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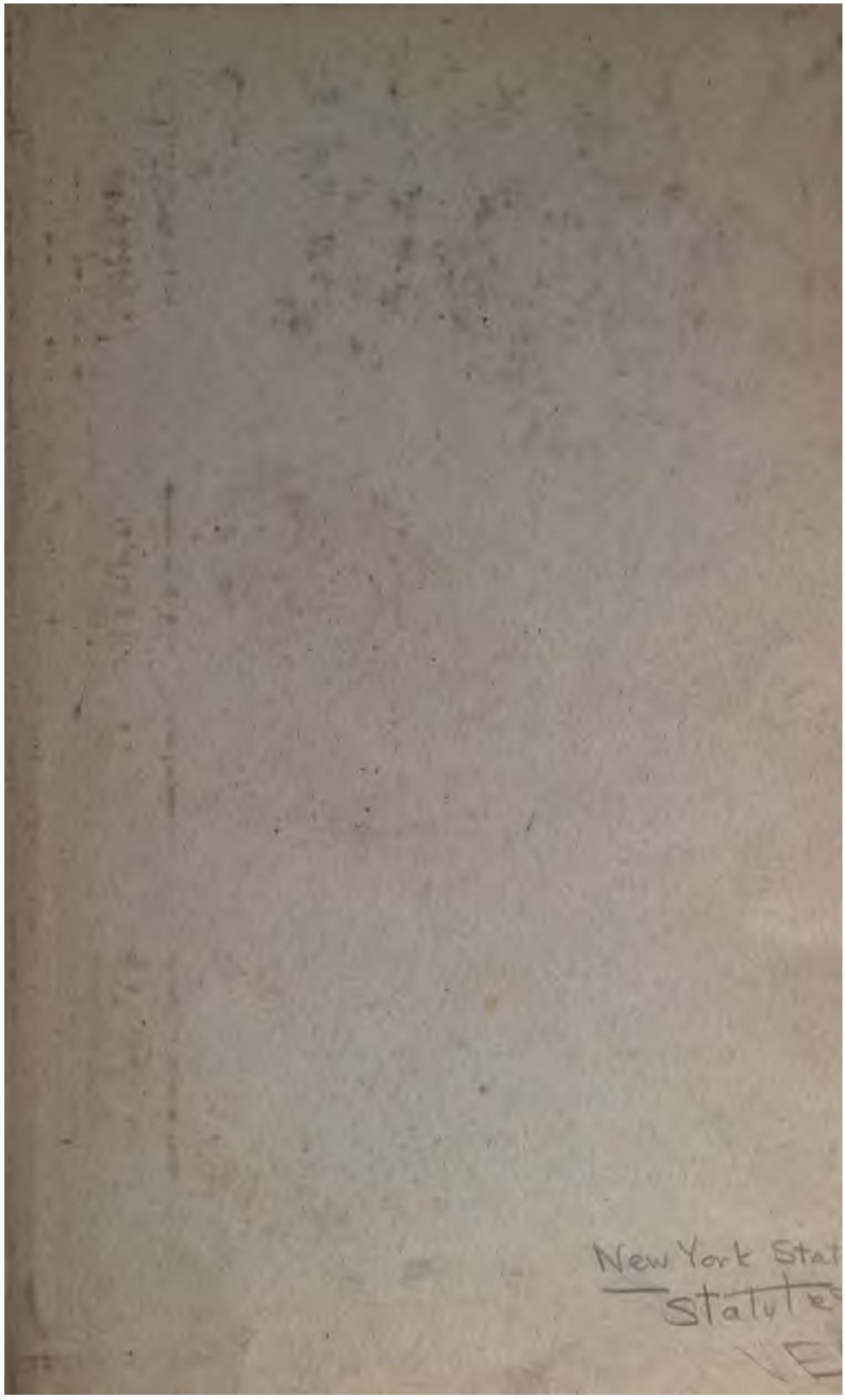
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INDEX.

LAWS RELATING TO BUILDINGS.

	SECTION	PAGE
Acting Superintendent, when deputy becomes,	514	78
Action, cause of, brought in name of Fire Department,	510	72
Agent or Architect may make statement for owner in filing plans,	503	63
Aggregate area for recesses in walls,	482	23
Adjoining wall to be protected,	474	3
Alcoves, recesses for,	482	23
Alteration cases,	504	64
Altered buildings to conform to law,	471	1
Altered buildings to conform to law for new buildings,	498	47
Anchor strips,	483	24
Anchors, ashlar,	483	24
Anchors for beams,	483	24
Anchors for cornices,	493	42
Anchors for piers,	483	24
Anchors, side,	483	24
Anchors, wall,	483	23
Apartment houses, halls and stairs of certain,	499	49
Appointment of Surveyors,	510	71
Approval of a portion of plans,	503	63
Arches between iron beams, how laid,	492	41
Arches, centers for,	486	28
Arches, flat, between iron floor beams,	492	41
Arches for fire-places,	486	29
Arches for hearths,	488	34
Arches, inverted,	475	4
Arches of iron fronts, to be filled in,	485	28
Arches over door and window openings,	485	28
Arches, segment, between iron floor beams,	492	41
Arch-girders,	485	26
Architect on survey, pay of,	510	72
Architect or agent may make statement for owner in filing plans,	503	63
Area coverings,	481	21
Areas, open, railings for,	481	21
Arrangements of buildings for public amusement or instruction,	499	49
Arrest section repealed,	40	80
Ashlar anchors,	483	24
Ashlar, stone, backing for,	480	19
Ashlar, stone, thickness for,	483	24
Asylum, fire-escapes for,	499	48
Attorney and other employes, duties of,	516	79

	SECTION	PAGE
Attorney of Fire Department to conduct legal proceedings,	515	78
Attorney to render monthly accounts,	515	79
Backing for stone ashlar,	480	19
Balconies or piazzas of wood,	495	44
Base course of foundations,	475	3
Bay or oriel windows,	495	45
Beam anchors,	483	24
Beams, distance from flues for wooden,	488	32
Beams, ends of, how supported,	490	38
Beams, header and trimmer,	490	38
Beams, iron,	492	40
Beams, iron, arches between,	492	41
Beams, iron, bearing weight to be marked on,	491	39
Beams, iron, for supporting walls, to be inspected or tested,	491	39
Beams, straps for,	483	24
Beams, walls full thickness to top of,	476	8
Beams, when gas and other pipes let in,	489	37
Beams, wooden, distance from steam pipes,	489	35
Beams, wrought iron, for wide spans,	485	26
Bearings for iron lintels,	485	25
Bearing strength for girders and piers,	477	16
Bearing weight for floors,	491	38
Bearing weight to be marked on iron beams,	491	39
Board of Examiners, how constituted,	504	65
Board of Examiners, oath of office,	504	65
Board of Examiners, pay of,	504	65
Board of Examiners, petition to,	504	65
Board of Examiners, powers of,	504	65
Board of Examiners, when to meet,	504	65
Boiler and furnace flues,	488	32
Bond stones, front,	481	20
Bond stones or cast-iron plates,	481	20
Borders for registers,	489	36
Bottom, rock,	473	2
Braces,	479	19
Brick, face,	480	20
Brick, hard,	482	21
Brick, joints of,	482	22
Brick, projecting courses of, in furred walls,	482	23
Brick to be wet,	482	22
Bridle irons,	490	38
Building laws, Fire Department to enforce,	514	77
Building law to be construed literally,	39	80
Building not to be proceeded with until plans and detailed statement have been approved,	503	63
Buildings, altered, to conform to law for new buildings,	498	47
Buildings, elevators placed in old,	487	30
Buildings, exempting from iron shutters,	487	29
Buildings, fire-escapes for,	499	47
Buildings, fire-proof, elevators in, not required to be inclosed,	487	30
Buildings, fire-proof, skylights in roofs of,	494	44
Buildings for public amusement or instruction, interior arrangements of,	499	49

	SECTION	PAGE
Buildings, frame, above certain limits,	495	45
Buildings, frame, damaged by fire,	497	46
Buildings, frame, new or altered, not for more than two families,	495	45
Buildings, limits for erecting frame,	495	44
Buildings, new and altered, to conform to law,	471	1
Buildings, non-iron fire-proof, restrictions as to width and depth of,	477	17
Buildings, not to be altered until after examination,	498	47
Buildings over 25 feet clear span, walls of,	477	15
Buildings over 80 feet high to be fire-proof,	492	40
Buildings over 100 feet in depth, walls of,	477	15
Buildings, public, walls for,	477	17
Buildings, raising or lowering to grade,	496	46
Buildings, removing wooden,	496	46
Buildings, right of officers to enter in performance of their duties,	516	79
Buildings, rules for fire-proof construction,	492	40
Buildings, small one-story,	477	18
Buildings, to determine width of,	477	18
Buildings, unsafe,	509	70
Buildings, unsafe, survey for,	510	71
Buildings, wooden, roof covering of,	494	43
Bulk-heads and scuttles,	494	43
Bulk-heads, coverings for,	484	25
Bulk-heads on roofs,	484	25
Bulk-head stairs and doors,	494	43
Bureau, officers of,	514	77
Buried in ruins, when persons are,	502	62
Calculations for strength of materials,	491	39
Capstones, strength of,	481	20
Carrying capacity of floors,	491	38
Cast-iron lintels, limit of span for,	485	26
Cast-iron plates or bond stones,	481	20
Cast-iron plates under ends of girders,	485	26
Cast-iron templates for ends of beams,	492	41
Ceilings, distance from for smoke-pipes,	488	33
Cellar entrance to dwellings for two or more families,	499	49
Cellar, stud partitions in,	476	8
Cement and Lime mortar, composition of,	482	22
Cement mortar, composition of,	482	22
Cement mortar, when to be used,	482	21
Cement, quality of,	482	22
Centers for arches,	486	28
Certificate after repairs to passenger elevator,	487	31
Certificate for alteration cases,	504	64
Chimney breasts, how supported,	488	34
Chimneys and flues, how constructed,	488	32
Chimneys, cupola,	488	35
Chimneys, when cut off, how supported,	488	35
Chimneys, unsafe,	488	35
Churches, interior arrangements of,	499	49
Churches, walls of,	477	17
City of New York to pay expenses of recovering bodies from fire ruins,	502	62

PROTECTION TO PLATE GLASS CO. 333-335 Fourth Avenue, NEW YORK.

	SECTION	PAGE
Coal hole coverings,	481	21
Cold-air boxes for furnaces,	489	36
Columns, fire-proof,	485	27
Columns, iron,	492	40
Columns, iron, minimum thickness,	485	28
Columns, iron, plates between,	485	27
Columns, iron to be drilled,	485	27
Columns, piers under, requirement for,	477	16
Columns, strength of,	491	39
Composition of cement and lime mortar,	482	22
Composition of cement mortar,	482	22
Composition of lime mortar,	482	22
Comptroller, monthly payment to,	515	79
Comptroller, requisition upon for expenses,	511	74
Compute height of walls, point to,	477	18
Construction and materials, Superintendent to pass upon,	504	64
Construing law, to be done liberally,	39	80
Contractor liable for expense protecting adjoining wall,	474	3
Coping, of what material,	484	25
Coping, stone, iron or terra-cotta for flues,	488	32
Cornices and gutters of roofs,	493	41
Cornices secured with anchors,	493	42
Cornices, unsafe wooden,	493	42
Cornices, walls carried up to planking of,	493	42
Costs,	511	74
Costs, no liability for by Fire Dep't,	506	68
Court orders, expenses in carrying out,	513	76
Courts having jurisdiction,	506	67
Courts may restrain by injunction,	506	67
Coverings for areas,	481	21
Coverings for coal holes,	481	21
Coverings for tanks, bulkheads, etc.,	484	25
Cupola chimneys,	488	35
Curtain walls and piers,	477	18
Cut-offs for electric wires,	489	37
Cutting of walls,	479	19
Damage to frame buildings by fire, how ascertained,	497	46
Date of law going into effect,	41	80
Definition of foundation walls,	475	5
Depots, railroad, interior arrangements of,	499	49
Depth and width of iron fire-proof buildings, restrictions as to,	477	17
Depth of excavations,	474	2
Depth of foundation walls,	473	2
Depth of foundation walls not adjoining street, point to compute,	475	5
Deputy superintendent may be designated to act on surveys,	514	78
Deputy superintendent, when to act as superintendent,	514	78
Deputy superintendents, qualifications for,	514	77
Door openings, arches over,	485	28
Drainage and plumbing,	501	62
Drainage, law does not repeal powers of Health Department,	39	80
Drilling of iron columns,	485	27

	SECTION	PAGE
Dwelling-house walls not over 36 ft. high,	476	5
Dwelling-house walls not over 50 ft. high,	476	5
Dwelling-house walls not over 60 ft. high,	476	5
Dwelling-house walls not over 75 ft. high,	476	5
Dwelling-house walls not over 85 ft. high,	476	6
Dwelling-house walls not over 100 ft. high,	476	6
Dwelling-house walls not over 115 ft. high,	476	6
Dwelling-house walls over 115 ft. high,	476	6
Dwelling-house walls, thickness of,	476	5
Dwellings for two or more families to have outside entrance to cellar,	499	49
Dwellings, frame, not to be used for other purposes,	498	47
Dwellings, law limiting height of not repealed,	476	8
Dwellings, narrow,	476	8
Dwellings, not exceeding 33 ft. between walls,	476	7
Dwellings over 60 ft. high to have fire-proof halls and stairs,	499	49
Dwellings, restricted to width between walls,	476	7
Dwellings, wide rooms in,	476	7
Dumb-waiters to be enclosed,	487	31
Duties of employes,	516	79
Electric wire cut-offs,	489	37
Elevator conductors, qualifications for,	487	32
Elevator openings, skylights over,	487	30
Elevators in stair wells,	487	30
Elevators, iron gratings at top of,	487	31
Elevators, passenger, certificate,	487	31
Elevators, passenger, inspection of,	487	31
Elevators, passenger, repairs to,	487	31
Elevators, recesses in walls for,	476	8
Elevators, roofs over,	487	31
Elevators to be inclosed,	487	30
Elevators when placed in old building,	487	30
Employes, duties of,	516	79
Encumbrances on fire-escapes,	499	48
Ends of beams, how supported,	490	38
Examiners, Board of, how constituted,	504	65
Examiners, Board of, oath of office,	504	65
Examiners, Board of, pay of,	504	66
Examiners, Board of, petition to,	504	65
Examiners, Board of, powers,	504	65
Examiners, Board of, when to meet,	504	65
Excavations, depth of,	474	2
Excavations guarded,	473	2
Execution of precept,	511	74
Exempting buildings from iron shutters,	487	29
Expenses in carrying out order of court,	513	76
Face brick,	480	20
Factory, fire-escapes for,	499	48
False swearing,	503	64
Fences, wooden,	495	44
Fines may be remitted,	505	67
Fire Department, cause of action brought in name of,	510	72
Fire Department, suits to be brought in name of,	515	79

	SECTION	PAGE
Fire Department to enforce the building laws,	514	77
Fire-escape encumbrances,	499	48
Fire-escapes for buildings,	499	47
Fire-escapes to be kept in good repair,	499	48
Fire-escapes, when notice requiring is not complied with,	513	76
Fire-place arches,	486	29
Fire-proof buildings, elevators in not required to be inclosed,	487	30
Fire-proof buildings, skylights in roofs of,	494	44
Fire-proof columns,	485	27
Fire-proof construction for buildings,	492	40
Fire-proof halls and stairs in hotels and dwellings over 60 feet in height,	499	49
Flat arches between iron floor beams,	492	41
Floors, bearing weight for,	491	38
Floors, combustible, no hot-air pipes in,	488	34
Floors in warehouses, strength of to be posted,	490	38
Floors, smoke pipes through prohibited,	488	33
Floors, strength of,	490	38
Floors under furnaces,	488	36
Flues and chimneys, how constructed,	488	32
Flues, boiler and furnace,	488	32
Flues, distance from, for wooden beams,	488	32
Flues, smelting,	488	32
Flues to be kept clean,	488	34
Flues, woodwork against,	488	33
Foundations, base course of,	475	3
Foundation walls, depth of,	473	2
Foundation walls, how built,	475	4
Foundation walls not adjoining street, point to compute depth,	475	5
Foundation walls, what are,	475	5
Foundries, walls of,	477	17
Frames, building limits,	495	44
Frame buildings, above certain limits,	495	45
Frame buildings, damaged by fire,	497	46
Frame buildings, new or altered, not for more than two families,	495	45
Frame dwellings, not to be used for other purposes,	497	47
Front bond stones,	481	20
Fronts, iron, arches of to be filled in,	485	28
Frozen walls,	480	20
Furnace and boiler flues,	488	32
Furnace flues for smelting,	488	32
Furnace, notice to be given when put in,	489	37
Furnace, portable, register box in floor over,	489	36
Furnaces, cold-air boxes for,	489	36
Furnaces, distance from wood-work,	489	36
Furnaces, floors under,	489	36
Furnaces, hot-air, construction of,	489	35
Furnaces, portable,	489	36
Furnaces, registers over,	489	36
Furred walls, projecting courses of brick in,	482	23
Gas and other pipes, when let into beams,	489	37

	SECTION	PAGE
Gas light brackets,	489	36
Gas stop-cock,	489	37
Gas supply pipes,	489	37
Girder straps,	483	24
Girders and partition walls,	477	16
Girders and piers, bearing strength for,	477	16
Girders, arch,	485	26
Girders, bearing blocks or plates for ends of,	485	26
Girders in cellars of dwellings, supports for,	476	8
Girders, width of,	485	26
Glass in side-walks,	481	21
Guarded, excavation, to be,	473	2
Gutters and cornices of roofs,	493	41
Hard brick,	482	21
Header and trimmer beams,	490	38
Headers in stone walls,	480	19
Heading courses,	482	21
Health Dep't, powers over plumbing and drainage not interfered with,	501	62
Hearths, how supported,	488	34
Height for walls or girders,	477	18
Height of dwellings, law limiting not repealed,	476	8
Height of walls, point to compute,	477	18
Heights for dwelling-house walls,	476	5
Heights for stone walls,	477	15
Hoistway openings,	487	30
Hollow bricks in walls,	477	18
Hollow walls,	477	17
Hospitals, fire-escapes for,	499	48
Hot-air furnaces, construction of,	489	35
Hot-air pipes,	488	33
Hot-air pipes in stud partitions,	488	34
Hot-air pipes, none in combustible floors,	488	34
Hotel, fire-escapes for,	499	47
Hotels, interior arrangements of,	499	49
Hotels over 60 feet high to have fire-proof halls and stairs,	499	49
Imprisonment for encumbering fire-escapes,	499	48
Injunction, courts may restrain by,	506	67
Inside lintels,	486	28
Inside iron shutters,	487	29
Inspecting iron beams for supporting walls,	491	39
Inspection of passenger elevator,	487	31
Inspector may be designated to act on surveys,	514	78
Inspectors, qualifications of,	514	77
Intermediate iron posts,	485	26
Interior arrangement of buildings for public amusement or instruction,	499	49
Inverted arches,	475	4
Iron beams,	492	40
Iron beams, bearing weight to be marked on,	491	39
Iron beams for supporting walls to be inspected or tested,	491	39
Iron beams, wrought, for wide spans,	485	26
Iron, cast, plates or bond stones,	481	20

	SECTION	PAGE
Iron (cast) plates under ends of girders,	485	26
Iron (cast) templates,	492	41
Iron columns,	492	40
Iron columns, minimum thickness,	485	28
Iron columns to be drilled,	485	27
Iron coping for smoke flues,	488	32
Iron covers to recesses for steam pipes,	489	35
Iron floor beams, arches between,	492	41
Iron fronts, arches of to be filled in,	485	28
Iron gratings at top of elevators,	487	31
Iron lintels,	486	28
Iron lintels, bearings for, on posts,	485	26
Iron lintels, bearings for, on walls,	485	25
Iron lintels, bearing on intermediate posts,	485	26
Iron plates between columns,	485	27
Iron posts, bearings of lintels on,	485	26
Iron posts for party-walls,	485	26
Iron posts for party-walls to be filled in,	485	27
Irons, bridle or stirrup,	490	38
Iron shutters, exempting buildings from,	487	29
Iron shutters, inside,	487	29
Iron shutters, outside,	487	29
Iron shutters, rolling,	487	29
Iron work, quality of,	491	40
Isolated piers,	481	20
Issue for trial,	510	72
Issue, if not tried at time named,	511	75
Joints of brick,	482	22
Judgment,	511	74
Judgment a lien on premises,	506	68
Judge's authority to enforce lien,	513	76
Jurisdiction of courts,	506	67
Jurors,	511	73
Ladders to scuttles,	494	43
Law, building, Fire Dep't to enforce,	514	77
Law, building, to be construed liberally,	39	80
Law, date of going into effect,	41	80
Law limiting height of dwellings not repealed,	476	8
Law may be modified in alteration cases,	504	64
Law not to affect past rights or liabilities,	39	80
Law, where it does not apply,	504	65
Laws, building, penalties for violating,	505	66
Leader pipes, metallic,	493	42
Leaders not to discharge on sidewalks,	493	42
Lessee, liability of,	513	77
Liability for costs, none by Fire Dep't,	506	68
Liability of persons in possession,	513	77
Liberally construed, the building law to be,	39	80
Lien, Judge's authority to enforce,	513	76
Lien on premises, judgment a,	506	68
Light and ventilation, law does not repeal powers of Health Department,	39	80
Light partition walls,	477	18
Light shafts, walls of,	487	31
Lime and Cement mortar, composition of,	482	22

	SECTION	PAGE
Lime mortar, composition of,	482	22
Lime mortar, when to be used,	482	21
Lime, quality of,	482	22
Limit of span for cast iron lintels,	485	26
Limiting the height of dwellings, law not repealed,	476	8
Limits, above certain, frame buildings,	495	45
Limits for erecting frame buildings,	495	44
Lintels,	486	28
Lintels, cast iron, limit of span for,	485	26
Lintels, inside,	486	28
Lintels, iron, bearings for on intermediate iron posts,	485	26
Lintels, iron, bearings for on walls,	485	25
Lis pendens,	511	74
Lis pendens, notice of,	506	68
Lis pendens, notice of,	511	75
Lodging-house, fire-escapes for,	499	47
Machine shops, walls of,	477	17
Mailing notices,	513	77
Mailing notice of violation,	507	69
Mansard roofs, how constructed,	484	25
Materials and construction, Superintendent to pass upon,	504	64
Materials, calculations for strength of,	491	39
Materials for walls,	472	1
Metallic leaders,	493	42
Metal roofing,	494	43
Metal tubes for steam pipes,	489	35
Modifying law,	504	64
Modifying law in alteration cases,	504	64
Monthly payments to comptroller,	515	79
Mortar, cement and lime, composition of,	482	22
Mortar, cement, composition of,	482	22
Mortar, cement, when to be used,	482	21
Mortar, lime, composition of,	482	22
Mortar, lime, when to be used,	482	21
Mortar, sand for,	482	22
Name and residence of owner of land to be given when plans are filed,	503	63
Narrow dwellings,	476	8
New buildings to conform to law,	471	1
New York Board of Fire Underwriters, report to,	517	80
Non-fire-proof buildings, restrictions as to width and depth of,	477	17
Notice given when furnace is put in,	489	37
Notice, if not complied with, proceedings in case,	513	75
Notice of lis pendens,	506	68
Notice of lis pendens,	511	75
Notice of requirement for unsafe buildings,	509	70
Notice of violation by mail,	507	69
Notice of violation, by whom served,	507	68
Notice of violation, how served,	507	69
Notice of violation may be posted,	507	69
Notice of violation to contain description,	507	69
Notice requiring fire-escapes, when not complied with,	513	76
Notices by mail,	513	77

	SECTION	PAGE
Notices, duty of persons upon whom service is made,	513	77
Obstructions on fire-escapes prohibited,	499	48
Office building, fire-escapes for,	499	48
Officers of department not liable for costs,	506	68
Officers prohibited from carrying on any other business,	514	78
Officers to enter buildings in performance of their duties, right of,	516	79
One-story buildings, small,	477	18
Open areas, railings for,	481	21
Openings, arches over door and window,	485	28
Openings, elevator, skylights over,	487	30
Openings, hoistway,	487	30
Ordinary repairs,	503	64
Oriel or bay windows,	495	45
Owner allowed to execute precept,	512	75
Owner, full name and residence of, to be given when plans are filed,	503	63
Owner liable for expense protecting adjoining wall,	474	3
Parapet walls,	484	25
Partitions, stud, in cellar,	476	8
Partition walls and girders,	477	16
Partition walls, light,	477	18
Past rights or liabilities, law not to affect,	39	80
Passenger elevators, certificate,	487	31
Passenger elevators, inspection of,	487	31
Passenger elevators, repairs to,	487	31
Payments, monthly, to comptroller,	515	79
Penalties for violating building laws,	505	66
Penalties for violating laws, additional,	505	67
Penalties, how collected,	505	67
Penalties, when they cease,	505	66
Penalty, additional, for violations,	505	67
Penalty for encumbering fire-escapes,	499	48
Permission to be first obtained for altering walls,	499	19
Permits for pier sheds,	504	66
Persons buried in ruins,	502	62
Persons in possession, liability of,	513	77
Persons liable for violations,	505	66
Persons served, duty of,	513	77
Petition to Board of Examiners,	504	65
Piazzas or balconies of wood,	495	44
Pier anchors,	483	24
Pier sheds,	504	66
Piers and curtain walls,	477	18
Piers and girders, bearing strength of,	477	16
Piers, isolated,	481	20
Piers under columns, requirements for,	477	16
Piles,	473	2
Pipes in wall, recesses for,	482	22
Planking of roofs,	494	43
Plans, a portion of, may be approved,	503	63
Plans and statements to be filed,	503	62
Plans for plumbing and drainage,	501	62
Plates between iron columns,	485	27

	SECTION	PAGE
Plates of cast-iron or bond stones,	481	20
Plumbing, drainage, etc.,	501	62
Plumbing, law does not repeal powers of Health Department,	39	80
Point to compute depth of foundation walls not adjoining street,	475	5
Point to compute height of walls,	477	18
Portable furnace, register box in floor over,	489	36
Portable furnaces,	489	36
Posting of surveyor's report,	510	72
Posts, bearings of iron lintels on,	485	26
Posts, iron, for party walls,	485	26
Posts, iron, for party walls to be filled in,	485	27
Posts, iron, intermediate,	485	26
Precept,	511	73
Precept, execution of,	511	74
Precept, owner allowed to execute,	512	75
Premises, sale of, under judgment,	511	74
Privies of wood,	495	45
Proceedings in case notice is not complied with,	513	75
Projecting courses of brick in furred walls,	482	23
Protect adjoining wall,	474	3
Public buildings already erected, arrangements for,	499	49
Public buildings, walls for,	477	17
Qualifications for elevator conductors,	487	32
Qualifications for inspectors,	514	77
Qualifications for superintendent and deputies,	514	77
Quality of cement and lime,	482	22
Quality of iron work,	491	40
Quality of timber,	490	38
Railings and trap-doors,	487	30
Railings for open areas,	481	21
Railroad depots, interior arrangements of,	499	49
Raising or lowering building to grade,	496	46
Raising roof from a peak to a flat,	496	45
Recesses for alcoves,	482	23
Recesses for pipes in walls,	482	22
Recesses for walls, aggregate area for,	482	23
Recesses in walls for stairways or elevators,	476	8
Register boxes,	489	36
Register box in floor over portable furnace,	489	36
Registers, borders for,	489	36
Registers over brick furnaces,	489	36
Register, when to have no valves,	489	37
Remitting fines,	505	67
Removing wooden buildings,	496	46
Repairs, ordinary,	503	64
Repealing a former arrest section,	40	80
Report of surveyors placed before court,	511	72
Report to N. Y. Board of Fire Underwriters,	517	80
Requirements for unsafe buildings, notice of,	509	70
Requisition upon comptroller for expenses,	511	74
Restaurants, interior arrangements of,	499	49
Restriction in width of dwellings between walls,	476	7

	SECTION	PAGE
Restrictions as to width and depth of new fire-proof buildings,	477	17
Retaining walls,	481	20
Rock bottom,	473	2
Rolling iron shutters,	487	29
Roofing, metal,	494	43
Roof cornices and gutters,	493	41
Roof covering for wooden buildings,	494	43
Roof planking,	494	43
Roof, raising from a peak to a flat,	496	45
Roofs of fire-proof buildings, skylights in,	494	44
Roofs, bulkheads on,	484	25
Roofs, mansard, how constructed,	484	25
Roofs over elevators,	487	31
Roofs, shingle, repairing of,	494	43
Rules for constructing fire-proof buildings,	492	40
Ruins, persons buried in,	502	62
Sale of premises under judgment,	511	74
Samples of sand,	482	22
Sand for mortar,	482	22
Sand, samples of,	482	22
School-houses, walls of,	477	17
Scuttle ladders,	494	43
Scuttles and bulkheads,	494	43
Segment arches between iron floor beams,	492	41
Service of notice, duty of persons upon,	513	77
Sheds of wood,	495	45
Sheds on piers, permits for,	504	66
Shingle roof, repairing of,	494	43
Shutters, iron,	487	29
Shutters, iron, exempting buildings from,	487	29
Side anchors,	483	24
Sidewalks,	481	21
Sidewalks, glass in,	481	21
Sidewalks, leaders not to discharge on,	493	42
Signs, unsafe,	495	45
Sills for stud partitions in cellar,	476	8
Skylights, how constructed,	494	43
Skylights in roofs of fire-proof buildings,	494	44
Skylights over elevator openings,	487	30
Smelting furnace flues,	488	32
Smoke flues to extend above roof,	488	32
Smoke pipes, distance from ceilings,	488	33
Smoke pipes through floors prohibited,	488	33
Smoke pipes through stud partitions,	488	33
Span, limit of, for cast-iron lintels,	485	26
Spans, wide, wrought iron beams for,	485	26
Stairways, recesses in walls for,	476	8
Stair wells, elevators in,	487	30
Statement may be dispensed with,	503	63
Statute, a remedial one,	39	80
Steam pipes, casings for, to be lined,	489	35
Steam pipes, distance from timbers,	489	35
Steam pipes, metal tubes for,	489	35
Stirrup irons,	490	38
Stone ashlar, backing for,	480	19

	SECTION	PAGE
Stone ashlar, thickness for,	483	24
Stone lintels,	486	28
Stone or iron templates,	492	41
Stone walls, headers in,	480	19
Stone walls, how constructed,	480	19
Stone walls exceeding 60 feet in height,	477	15
Stone walls not exceeding 40 feet in height,	477	15
Stop-cock for gas supply pipes,	489	37
Stores, thickness of bearing walls for,	477	15
Straps for beams,	483	24
Straps for girders,	483	24
Strength of cap-stones,	481	20
Strength of columns,	491	39
Strength of floors,	490	38
Strength of floors,	491	38
Strength of materials, calculations for,	491	39
Strips for anchors,	483	24
Stud partitions, hot-air pipes in,	488	34
Stud partitions in cellar,	476	8
Stud partitions, smoke pipes through,	488	33
Stud partitions, steam pipes passing through,	489	35
Suits to be brought in name of Fire Department,	515	78
Superintendent and deputies, qualifications of,	514	77
Superintendent may designate one of the deputies or an inspector to act on surveys,	514	78
Superintendent to act in case of neglect to protect adjoining wall,	474	3
Superintendent to pass on construction and materials,	504	64
Supports for girders in cellar of dwellings,	476	8
Supports, temporary,	479	19
Survey of unsafe buildings,	510	71
Survey, pay of architect on,	510	72
Surveyor, a third one, how appointed,	510	71
Surveyors, how appointed,	510	71
Surveyor's report placed before court,	511	72
Surveyor's report, posting of,	510	72
Swearing falsely,	503	64
Sworn detailed statements,	503	63
Tanks, coverings for,	484	25
Temporary supports,	479	19
Tenement-houses, halls and stairs of certain,	499	49
Testing iron beams for supporting walls,	491	39
Thickness for stone ashlar,	483	24
Thickness, minimum, for iron columns,	485	28
Theatres and public buildings already erected, arrangements for,	499	49
Theatres existing, limit of requirements for,	499	49
Theatres, walls of,	477	17
Theatres, existing arrangements for,	499	49
Theatres, aisles in auditorium,	500	57
aisles, inclined planes in,	500	58
approval of, before opening,	500	50
auditorium aisles,	500	57
auditorium partitions,	500	56
auditorium seats,	500	57
automatic steam-pumps,	500	60

	SECTION	PAGE
Theatres, balconies, fire-escape,	500	53
boilers, steam,	500	59
border lights,	500	61
canvas and wood sheathing prohibited,	500	56
capacity of house, exits proportionate to,	500	58
capacity of lobbies and standing room,	500	57
ceilings of fly gallery covered,	500	56
chandelier, main, shaft over,	500	61
circular stairways,	500	59
corridors and side spaces kept from obstruction,	500	52
corridors to street,	500	51
corridors to street, openings in,	500	52
cupboards and shelving, fire-proof,	500	56
curtain, proscenium,	500	57
diagram of floors and galleries,	500	61
door openings, width of,	500	57
doors, exit,	500	58
doors, fire-proof, for openings in partition,	500	56
doors, fire-proof, for openings in proscenium wall,	500	55
dressing room partitions,	500	56
electric light shut-offs,	500	60
entrances and exits, common place of, for main floor and first gallery,	500	58
entrances and exits, gallery,	500	58
exit doors,	500	58
"EXIT," word painted over main openings,	500	61
exits and entrances, gallery,	500	58
exits, common places of, for main floor and first gallery,	500	58
exits, number proportionate to capacity of house,	500	58
exits, width of,	500	52
exterior walls,	500	54
extinguishers, portable,	500	60
extra-hazardous business in, prohibited,	500	54
fire apparatus, Fire Dep't to have charge of,	500	61
Fire Dep't to have charge of gas and water apparatus,	500	61
fire-escape balconies,	500	53
fire-proof cupboards and shelving,	500	56
fire-proof doors for openings in partition,	500	56
fire-proof doors for openings in proscenium wall,	500	55
fire-proof floors,	500	55
fire-proof proscenium curtain,	500	57
floor of stage,	500	56
floors, diagrams of,	500	61
floors, fire-proof,	500	55
fly-gallery ceilings covered,	500	56
foot-lights,	500	61
frame of proscenium,	500	55
frontage on street,	500	51
galleries, diagrams of,	500	61
gallery exits and entrances,	500	58

	SECTION	PAGE
Theatres, gallery stairs,	500	59
gas apparatus, Fire Dep't to have charge of,	500	61
gas cocks and electric light shut-offs,	500	60
gas lights to be protected,	500	61
gates,	500	52
gradients,	500	52
hand-rails,	500	58
hazardous business in, prohibited,	500	54
hose,	500	60
inclined planes in aisles,	500	58
inclosure of staircases,	500	54
interior walls,	500	54
janitor's quarters,	500	54
ladders on stage,	500	55
landing and steps for stairs,	500	59
lights, border,	500	61
lights, foot,	500	61
lights for rooms and passages,	500	60
lights, gas, to be protected,	500	61
lights, stage,	500	61
lobbies and standing room, capacity of,	500	57
main chandelier, shaft over,	500	61
main floor and first gallery, common places of exit for,	500	58
obstructions in corridors and side spaces,	500	52
openings in corridors to street,	500	52
openings in partitions, fire-proof doors for,	500	56
openings in proscenium wall, fire-proof doors for,	500	55
openings, word painted over openings,	500	61
open side space,	500	51
orchestra, when placed above stage,	500	54
partitions, fire-proof doors for openings in,	500	56
partitions in auditorium,	500	56
passages and rooms, lights for,	500	60
passage-ways, width of,	500	58
partitions, dressing room,	500	56
planes, inclined, in aisles,	500	58
portable extinguishers,	500	60
property room, location,	500	53
proscenium curtain,	500	57
proscenium frame,	500	55
proscenium wall,	500	54
proscenium wall, fire-proof doors for openings in,	500	55
pumps, automatic steam,	500	60
quarters for janitor,	500	54
rooms and passages, lights for,	500	60
scenery, stage,	500	56
seats in auditorium,	500	57
shaft over main chandelier,	500	61
shafts and skylights over stage,	500	55
shelving and cupboards, fire-proof,	500	56
side space, open,	500	51
skylights and shafts over stage,	500	55
space, open side,	500	51

	SECTION	PAGE
Theatres, sprinklers,	500	60
stage floor,	500	56
stage, ladders on,	500	55
stage lights,	500	61
stage, orchestra placed above,	500	54
stage scenery,	500	56
stage, shafts and skylights over,	500	55
stage stairs,	500	59
stairs for the stage,	500	59
stairs, gallery,	500	59
stairs, landing and steps,	500	59
stand-pipes,	500	60
staircases, inclosure of,	500	54
stairways, if circular,	500	59
stairways, if straight,	500	58
standing room and lobbies, capacity of,	500	57
steam boilers,	500	59
steam-pumps automatic,	500	60
steps and landings for stairs,	500	59
storage room, location for,	500	53
straight stairways,	500	58
street, corridors to,	500	51
street frontage,	500	51
use for other purposes, prohibited,	500	53
wainscoting,	500	56
wall, proscenium,	500	54
wall, proscenium, fire-proof doors, for openings in,	500	55
walls, exterior,	500	54
walls, interior,	500	54
water apparatus, Fire Dep't to have charge of,	500	61
width for passage-ways,	500	58
width of door openings,	500	57
width of exits,	500	52
wood sheathing and canvas prohibited,	500	56
workshops, location for,	500	53
Timbers, distance from steam pipes,	489	35
Timber, quality of,	490	38
Timber, except lintels, prohibited in walls,	490	38
Time allowed to make premises safe,	510	71
Tin pipes for hot-air flues,	488	33
Trap-doors and railings,	487	30
Trial of issue,	511	73
Trial, issues before court,	510	72
Tubes of metal for steam-pipes,	489	35
Unsafe buildings,	509	70
Unsafe buildings, survey,	510	71
Unsafe chimneys,	488	35
Unsafe signs,	495	45
Unsafe wooden cornices,	493	42
Ventilation and light, law does not repeal powers of health department,	39	80
Verdict,	511	73
Violating building laws, penalties for,	505	66
Violation notice, by whom served,	507	68

	SECTION	PAGE
Violation notice by mail,	507	69
Violation notice, how served,	507	69
Violation notice may be posted,	507	69
Violation notice to contain description,	507	69
Wall, adjoining, to be protected,	474	3
Walls, aggregate area for recesses in,	482	23
Wall anchors,	483	23
Walls, certain, of less thickness,	476	7
Walls, cutting of,	479	19
Walls, dwellings not over 36 ft. high,	476	5
Walls, dwellings not over 50 ft. high,	476	5
Walls, dwellings not over 60 ft. high,	476	5
Walls, dwellings not over 75 ft. high,	476	5
Walls, dwellings not over 85 ft. high,	476	6
Walls, dwellings not over 100 ft. high,	476	6
Walls, dwellings not over 115 ft. high,	476	6
Walls, dwellings over 115 ft. high,	476	6
Walls for dwellings, thickness of,	476	5
Walls for public buildings,	477	17
Walls for stores, bearing, thickness for,	477	9
Walls for warehouses, clear span over,	477	15
Walls, foundation, depth of,	473	2
Walls, foundation, how built,	475	4
Walls, foundation, not adjoining street, point to compute depth,	475	5
Walls, foundation, what are,	475	5
Walls, frozen,	480	20
Walls, full thickness to top of beams,	476	8
Walls, furred, projecting courses of brick in,	482	23
Walls, hollow,	477	17
Walls, hollow bricks in,	477	18
Walls, light partition,	477	18
Walls, limit for side or end being carried up in advance of front,	483	23
Walls, not exceeding 33 ft. apart, for dwellings,	476	7
Walls of buildings over 100 ft. in depth,	477	15
Walls of churches,	477	17
Walls of foundries,	477	17
Walls of light shafts,	487	31
Walls of machine shops,	477	17
Walls of school-houses,	477	17
Walls of theaters,	477	17
Walls on girders, height for,	477	18
Walls, parapet,	484	25
Walls, partition and girders,	477	16
Walls, party, iron posts for,	485	26
Walls, party, wooden beams in,	490	37
Walls, point to compute height of,	477	18
Walls, recesses in for pipes,	482	22
Walls, recesses in for stairways or elevators,	476	8
Walls, retaining,	481	20
Walls, stone, headers in,	480	19
Walls, stone, how constructed,	480	19
Walls, timber in, except lintels, prohibited,	490	38
Walls, what constructed of,	472	1
Walls, when may be reduced in thickness,	477	17

	SECTION	PAGE
Walls, when to be thicker,	476	7
Walls, where cornices, carried up,	493	42
Walls with piers and curtain walls,	477	18
Warehouse floors, strength of to be posted.	490	38
Warehouse walls, clear span over 25 ft.,	477	15
Wide rooms in dwellings,	476	7
Width and depth of iron fire-proof buildings, restrictions as to,	477	17
Width of buildings, to determine,	477	18
Width of dwellings, between walls, restricted,	476	7
Width of girders,	485	26
Window openings, arches over,	485	28
Windows, bay or oriel,	495	45
Wooden beams, distance from flues,	488	32
Wooden beams in party walls,	490	37
Wooden buildings, removing,	496	46
Wooden buildings, roof covering for,	494	43
Wooden cornices, unsafe,	493	42
Wooden fences,	495	44
Wooden piazzas or balconies,	495	44
Wooden privies,	495	45
Wooden sheds,	495	45
Woodwork against flues,	488	33
Woodwork, distance from steam-pipes,	489	35
Woodwork, distance from for woodwork,	489	36
Wrought-iron beams for wide spans,	485	26

ILLUSTRATIONS.

No. 1.—Walls for dwellings not over 36 ft. high..... 9
No. 2.—Walls for dwellings over 36 ft. and not over 50 ft. high, 9
No. 3.—Walls for dwellings over 50 ft. and not over 60 ft. high, 9
No. 4.—Walls for dwellings over 60 ft. and not over 75 ft. high, 9
No. 5.—Walls for dwellings over 75 ft. and not over 85 ft. high, 10
No. 6.—Walls for dwellings over 85 ft. and not over 100 ft. high, 10
No. 7.—Walls for dwellings over 100 ft. and not over 115 ft. high..... 10
No. 8.—Walls for dwellings over 115 ft. high..... 11
No. 9.—Walls for Warehouses, etc., not over 40 ft. high..... 12
No. 10.—Walls for Warehouses, etc., over 40 ft. and not over 60 ft. high 12
No. 11.—Walls for Warehouses, etc., over 60 ft. and not over 75 ft. high 12
No. 12.—Walls for Warehouses, etc., over 75 ft. and not over 85 ft. high..... 13
No. 13.—Walls for Warehouses, etc., over 85 ft. and not over 100 ft. high..... 13
No. 14.—Walls for Warehouses, etc., over 100 ft. and not over 115 ft. high..... 13
No. 15.—Walls for Warehouses, etc., over 115 ft. high..... 14
Furred Walls with projecting courses of brick at each tier of beams..... 23
Theater, plans of, as applied to an inside and to a corner lot.... 51

LAWS RELATING TO BUILDINGS,

IN THE

CITY OF NEW YORK.

NEW YORK CITY CONSOLIDATION ACT,

CHAPTER 410, LAWS OF 1882,

§ 471–§ 517, TITLE 5, Construction of Buildings; as Amended, Chapter 456, Laws of 1885; and as Re-Amended, Chapter 566, Laws of 1887.

[The laws relating to the construction of buildings in the city of New York are here given complete, and obviates any necessity of referring to any other publication.]

335 & 335 Fourth Avenue
NEW

§ 471. (As amended by Section 1, Chapter 456, Laws of 1885.)— No wall, structure, building, part or parts thereof, shall hereafter be built, constructed, altered or repaired, in said city, except in conformity with the provisions of this title.

New and altered buildings to conform to this law.

§ 472. (As amended by Section 1, Chapter 566, Laws of 1887.)— All buildings hereafter erected within said city, other than frame or wooden buildings, shall have all walls constructed of stone, brick, iron or other hard incombustible material, properly bonded and solidly put together, with close joints; and the walls of all buildings shall be built to a line, and be carried up plumb and straight, and the several component parts

Walls, what constructed of

of such buildings shall be built and constructed in such manner as is herein provided.

Depth of Foundation Walls.

§ 473. (As amended by Section 2, Chapter 566, Laws of 1887.)—All foundation walls shall be laid not less than four feet below the surface of the earth, where exposed to frost, on good solid bottom, and in case the nature of the earth should require it, piles shall be driven, or timbers laid of sufficient size and thickness to prevent the walls from settling. The top of such pile or timber bottom must be driven or laid below the water-line. Where piles are driven for a foundation they shall not be less than five inches in diameter at the smallest end, and shall be driven to a firm and solid bearing. All piers, columns or posts resting on the earth shall be set upon a bottom in the same manner as the foundation walls.

Piles.

Rock Bottom.

Whenever in any case the foundation wall or walls of any building that may hereafter be erected, shall be placed on a rock bottom, the said rock shall be graded off level, in sections or otherwise, to receive the same.

Excavations guarded.

All excavations upon the front or side of any lot adjoining a street shall be properly guarded and protected by the person or persons having charge of the same, so as to prevent the same from being or becoming dangerous to life or limb.

Depth of Excavations.

§ 474. (As amended by Section 3, Chapter 566, Laws of 1887.)—Whenever excavations for building or other purposes, on any lot or piece of land in the city of New York, shall be intended to be carried to the depth of more than ten feet below the curb, at a place where there is any party or other wall wholly or partly on adjoining land and standing upon or near the boundary lines of such lot, the person causing such excavations to be made, if afforded the necessary license to enter on the adjoining land, and not otherwise, shall at all

times from the commencement until the completion of such excavations, at his own expense, preserve such wall from injury, and so support the same by a proper foundation that it shall remain as stable as before the excavations were commenced, whether said adjoining wall is down more or less than ten feet below the curb.

Protect adjoining wall.

Whenever there shall be any excavation, either of earth or rock, hereafter commenced upon any lot or piece of land in the city of New York, and there is any party or other wall wholly or partly on adjoining land, and standing upon or near the boundary line of said lot, if the person or persons whose duty it shall be to preserve or protect said wall or structure from injury shall neglect or fail so to do, after having had a notice of twenty-four hours from the superintendent of buildings so to do, the superintendent of buildings may enter upon the premises, and employ such labor and furnish such materials and take such steps, as in his judgment may be necessary to make the same safe and secure, or to prevent the same from becoming unsafe or dangerous, at the expense of the person or persons last herein referred to, and any party doing the said work, or any part thereof, under and by direction of the said superintendent, may bring and maintain an action against the person or persons last herein referred to, to recover the value of the work done, or materials furnished in and about the said premises, in the same manner as if he had been employed to do the said work by the person or persons last herein referred to.

On neglect or failure to protect adjoining structure, superintendent to act.

Contractor or owner to be liable for expense.

§ 475. (As amended by Section 4, Chapter 566, Laws of 1887.)— The footing or base course under all foundation walls, piers, columns or posts, shall be of stone or concrete. If of stone, the stones thereof shall not be less than two by three feet, and at least eight inches in thickness for walls, and not less than sixteen inches in

Base course of foundations.

thickness if under piers, columns or posts, and at least twelve inches wider than the bottom width of said walls, and at least twelve inches wider on all sides than the bottom width of said piers, columns or posts. All base stones shall be well bedded, and laid edge to edge.

Inverted arches.

If, in place of continuous foundation walls, isolated piers are to be built, then, where the nature of the ground and the character of the building makes it necessary, inverted arches shall be turned between the piers, said arches to be at least twelve inches thick, and to rest upon a continuous bed of concrete at least eighteen inches thick, and the outside piers shall be secured to the second piers with suitable iron rods and plates; or two footing courses may be used, said footing courses to be composed either of two courses of large stones or one course of concrete and one course of stone. The stones must be not less than ten inches thick in each course, and the concrete shall not be less than eighteen inches thick, and the area of the lower course must be equal to the area of the base course that would be required under a continuous wall.

Foundation walls, how built.

All foundation walls shall be built of stone or brick, and shall be laid in cement mortar to the surface of the ground, and if constructed of stone, shall be at least eight inches thicker than the walls next above them, to a depth of ten feet below the curb level, and for every additional ten feet, or part thereof, the additional ten feet or part thereof shall be increased at least four inches in thickness; and if built of brick, the foundation walls shall be at least four inches thicker than the walls next above them, to a depth of ten feet below the curb level, and for every additional ten feet, or part thereof, the additional ten feet or part thereof shall be increased at least four inches in thickness.

Foundation walls shall be construed to include all such walls as are built below the level of the curb, and serve as supports for piers, columns, girders, beams or other walls. Foundation walls, what are.

When the walls do not adjoin the street then the highest level of the ground next adjoining to said walls may be taken as the curb level as to those walls. Point to compute depth of foundation walls when not adjoining street.

§ 476. (As amended by Section 5, Chapter 566, Laws of 1887.)—The basement walls of dwelling-houses, not over thirty-six feet in height, and not over twenty feet in width, shall not be less than twelve inches thick, if of brick. The other walls, (not including foundation walls) shall not be less than eight inches thick; but no party wall shall be less than twelve inches thick. Thickness of bearing walls for dwellings. Not exceeding 36 feet in height.

No. 1
Illustration.

The walls of dwelling-houses over thirty-six feet in height and not over fifty feet in height, shall not be less than twelve inches thick above the foundation walls; but no wall shall be built having a twelve-inch thick portion measuring vertically more than fifty feet. Exceeding 36 feet and not exceeding 50 feet.

No. 2
Two
Illustrations.

The walls of dwelling-houses over fifty feet in height, and not over sixty feet in height, shall not be less than twelve inches thick above the first story, or the basement, if a high-stoop house, and not less than sixteen inches thick in the first story, or the basement, if [not] a high-stoop house. Not exceeding 60 feet.

No. 3
Two
Illustrations.

If over sixty feet and not over seventy-five feet in height, the walls shall not be less than sixteen inches thick to the height [of] twenty-five feet, or to the nearest tier of beams to that height, and not less than twelve inches thick from thence to the top. Not exceeding 75 feet.

No. 4
Illustration.

Not exceeding 85 feet.

If over seventy-five feet and not over eighty-five feet in height, the walls shall not be less than twenty inches thick to the height of fifteen feet, or to the nearest tier of beams to that height, thence to the height of sixty feet, or to the nearest tier of beams to that height, the walls shall not be less than sixteen inches, and from thence not less than twelve inches thick to the top.

No. 5
Illustration.

Not exceeding 100 feet.

If over eighty-five feet and not over one hundred feet in height, the walls shall not be less than twenty-four inches thick to the height of twenty feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of seventy feet, or to the nearest tier of beams to that height, thence sixteen inches thick to the top.

No. 6
Illustration.

Not exceeding 115 feet.

If over one hundred feet and not over one hundred and fifteen feet in height, the walls shall not be less than twenty-eight inches thick to the height of fifteen feet, or to the nearest tier of beams to that height, thence not less than twenty-four inches thick to the height of sixty feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of ninety feet, or to the nearest tier of beams to that height, thence not less than sixteen inches thick to the top.

No. 7
Illustration.

Exceeding 115 feet in height.

In all walls which are built over one over one hundred and fifteen feet in height, each additional fifteen feet, or part thereof, next above the curb, shall be increased four inches in thickness, the

No. 8
Illustration.

upper one hundred and fifteen feet of wall remaining the same as specified for a wall of that height.

Certain walls of less thickness.

All the walls of buildings hereinbefore in this section specified (except the outside bearing walls) may be four inches less in thickness, provided, however, that none are less than twelve inches thick, except as hereinafter specified.

Dwellings, restricted to 26 feet between walls.

All dwelling-houses, whether called tenement-houses, apartment-houses, flats, hotels, or other buildings which are to be used for the residence of any person or persons, which are hereafter erected, or which may be altered to be used as herein specified, shall have brick or stone walls on which the beams rest, not over twenty-six feet apart; and in no case shall either end of a beam or beams of such houses rest on stud partitions. This, clause, however, shall not be construed to prevent the use of iron girders and columns or piers of masonry for the support of the beams in such buildings in which the distance between the walls is not over thirty-three feet, provided, however, that no clear span is over twenty-six feet, or provided that an eight-inch thick partition wall supports the beams within five feet of the center; but no such partition wall shall be built having an eight-inch thick portion measuring vertically more than fifty feet. This clause shall also not be construed to prevent the use of iron girders, or iron girders and columns, or piers of masonry for the support of the walls and ceilings over any rooms which have a clear span of more than twenty-six feet between walls. If the clear span is to be over twenty-six feet, then the bearing walls must be increased four inches in thickness for every ten feet, or part thereof, that said span is over twenty-six feet.

Construction when not over 33 feet between walls.

Construction for wide rooms in dwellings.

When walls are to be thicker.

For narrow dwellings.

In dwelling-houses not over twelve feet six inches in width, and not over fifty feet high, the center wall between any two such houses, alternating,* shall not be less than eight inches thick above the foundation wall; but no such wall shall have an eight inch thick portion measuring vertically more than fifty feet.

Stud partitions in cellar.

All fore and aft stud partitions, and such other main partitions as may be required by the superintendent of buildings, which may be placed in the cellar or lower story of any house, shall have good, solid stone or brick foundation walls under the same, which shall be built up to the top of the floor beams or sleepers, and the sill of said partition shall be of

Sills for stud partitions in cellar.

locust, but if the walls are built five inches higher of brick than the top of the floor beams or sleepers, any wooden sill may be used on which the studs shall be set.

Supports for girders in cellar of dwellings.

All girders supporting the first tier of beams in dwelling-houses shall be supported by brick piers, or iron or locust posts, of sufficient strength, on proper foundations.

Recesses in walls for stairways or elevators.

Recesses for stairways or elevators may be left in the foundation or cellar walls of all buildings, but in no case shall the walls be of less thickness than the walls of the second story.

Full thickness of walls to top of beams.

The walls of each story shall be built up the full thickness thereof to the top of the beams above.

This law not to repeal the law limiting the height of dwellings.

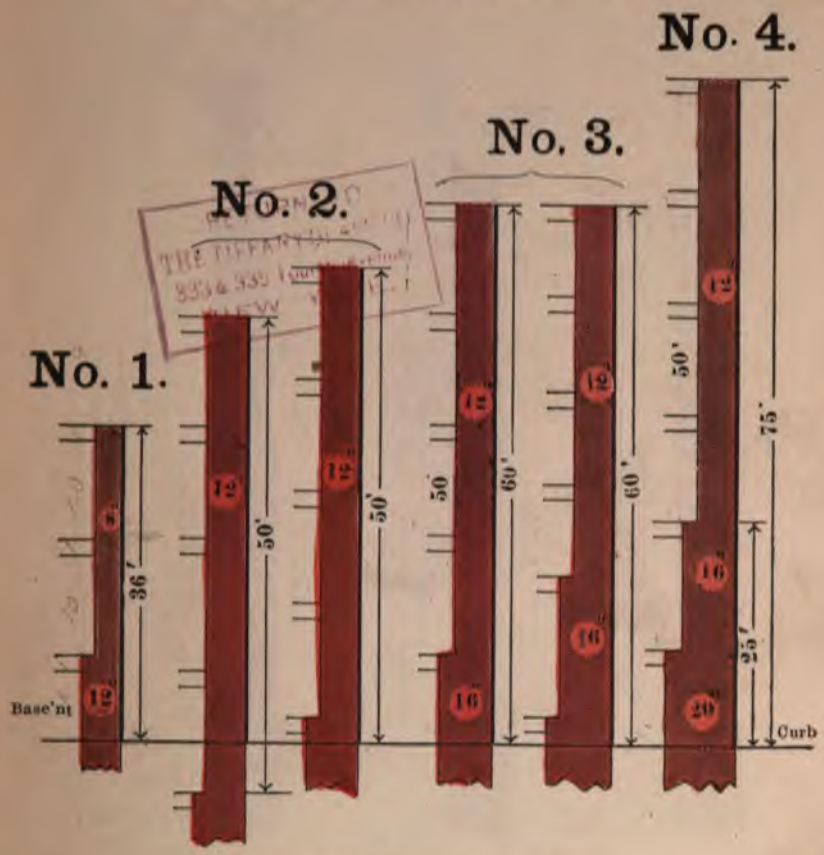
But nothing in this title contained shall be construed to repeal chapter four hundred and fifty-four of the laws of eighteen hundred and eighty-five, entitled "An act to regulate the height of dwelling-houses in the city of New York," nor as authorizing the erection of any dwelling-house, or of any house

* This means that where two houses are built on a twenty-five foot lot, the floor beams must rest on the outer walls, and run through the center or division wall.

DWELLING HOUSE WALLS.

Party and side walls have the same thickness.
(Except No. 1, where the party wall must be 12 in.)

Front and rear walls and inside bearing walls may be four inches less in thickness, provided none are less than twelve inches.



The total heights cannot be increased.

The intermediate heights can be varied, the various thicknesses being to the tier of beams nearest thereto, except that no 12 inch wall can measure vertically more than fifty feet.

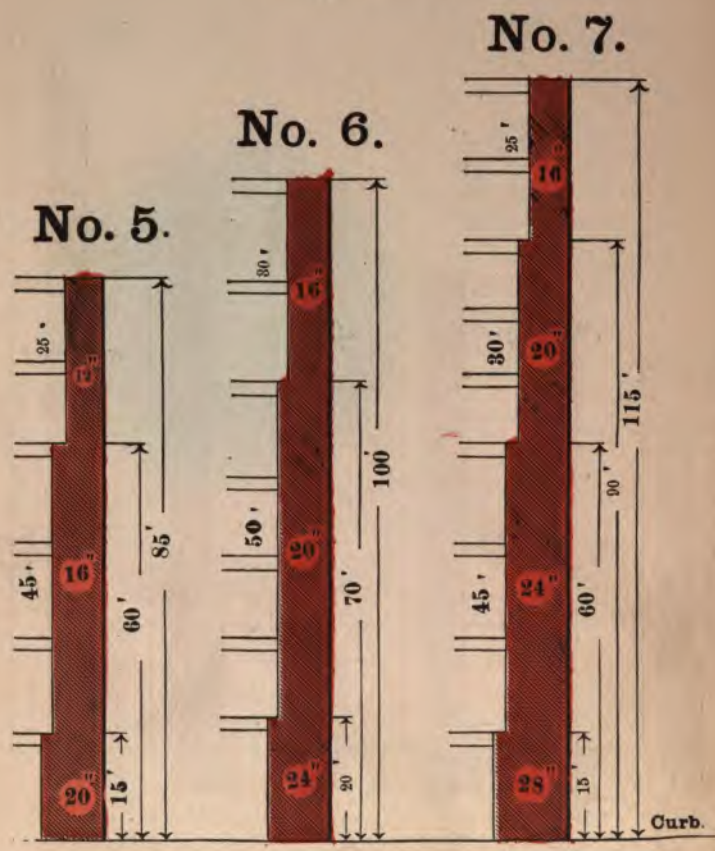
As many stories as desired may be placed within the given total heights.

DWELLING HOUSE WALLS.

Party and side walls have the same thickness.

Front and rear walls and inside bearing walls may be four inches less in thickness.

(Fire-proof Buildings.)



The total heights cannot be increased.

The intermediate heights can be varied, the various thicknesses being to the tier of beams nearest thereto.

As many stories as desired may be placed within the given total heights.

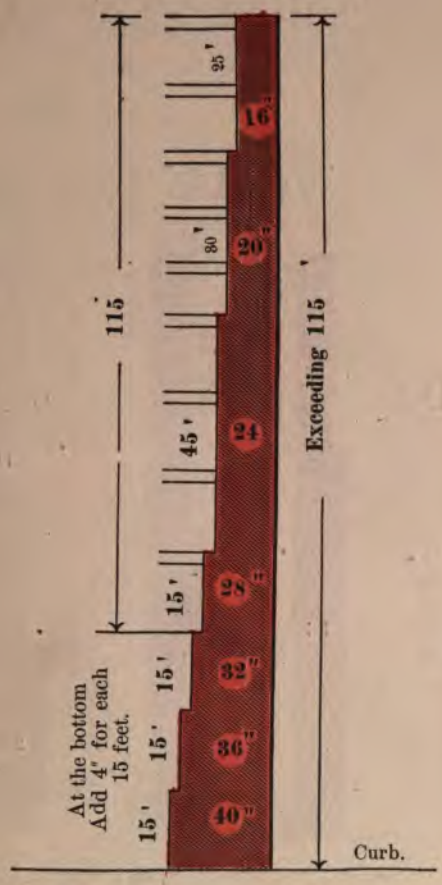
DWELLING HOUSE WALLS.

Party and side walls have the same thickness.

Front and rear walls and inside bearing walls may be four inches less in thickness.

(Fire-proof Building.)

No. 8.



The total heights cannot be increased.

The intermediate heights can be varied, the various thicknesses being to the tier of beams nearest thereto.

As many stories as desired may be placed within the given total heights.

WAREHOUSE WALLS.

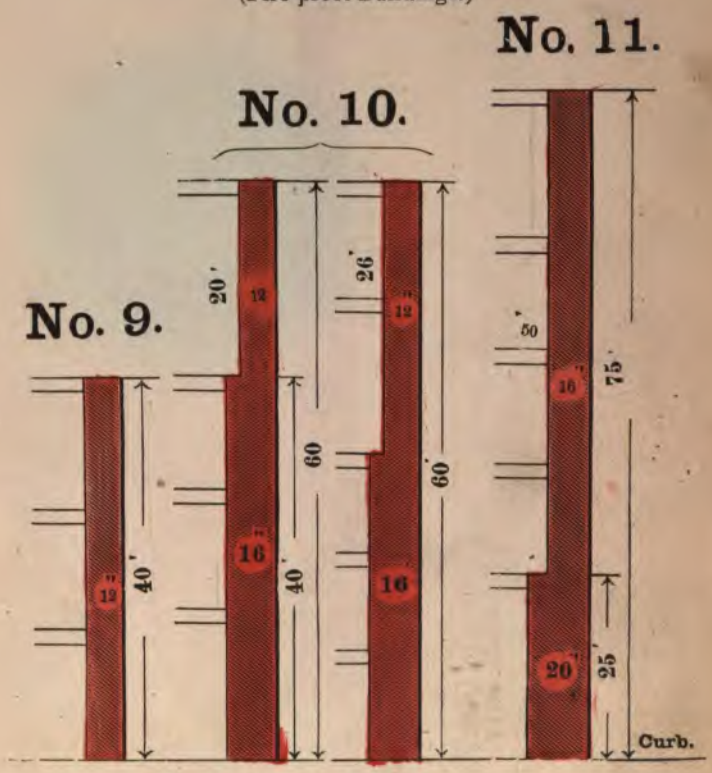
(For buildings other than Dwellings, except Churches, Theatres and School-houses.)

Party and side walls have the same thickness, provided none are less than twelve inches.

Front and rear walls and inside bearing walls may be four inches less in thickness.

(If the building be in width more than 25 feet clear span between walls, or more than 100 feet in depth, walls must be made thicker.)

(Fire-proof Buildings.)



The total heights cannot be increased.

The intermediate heights can be varied, the various thicknesses being to the tier of beams nearest thereto, except that no 12 inch wall can measure vertically more than fifty feet.

As many stories as desired may be placed within the gives total heights.

WAREHOUSE WALLS.

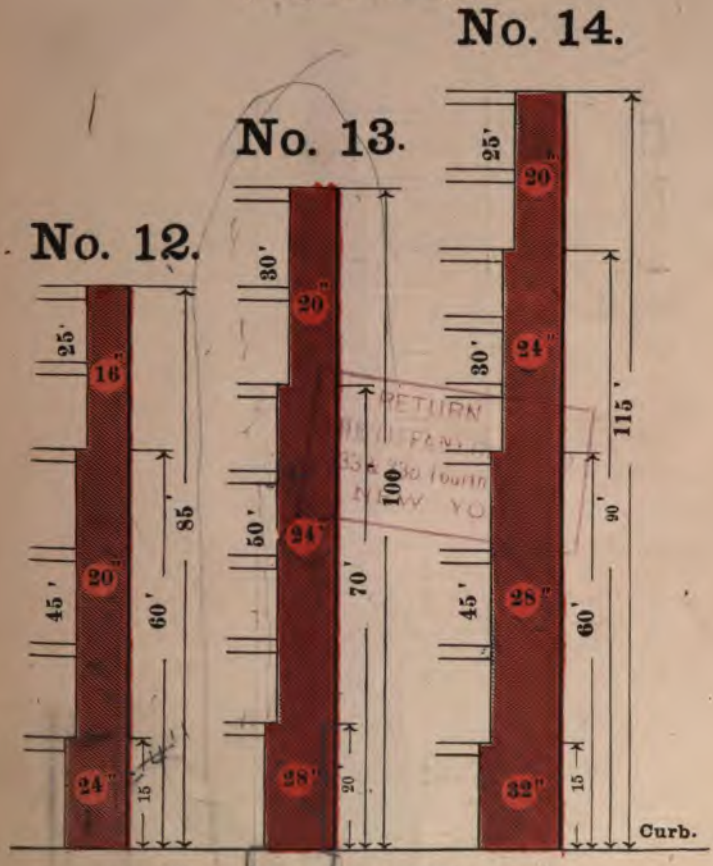
(For buildings other than Dwellings, except Churches, Theatres and School-houses.)

Party and side walls have the same thickness.

Front and rear walls and inside bearing walls may be four inches less in thickness.

(If the building be in width more than 25 feet clear span between walls, or more than 100 feet in depth, walls must be made thicker.)

(Fire-proof Buildings.)



The total heights cannot be increased.

The intermediate heights can be varied, the various thicknesses being to the tier of beams nearest thereto.

As many stories as desired may be placed within the given total heights.

WAREHOUSE WALLS.

(For buildings other than Dwellings, except Churches, Theatres and School-houses.)

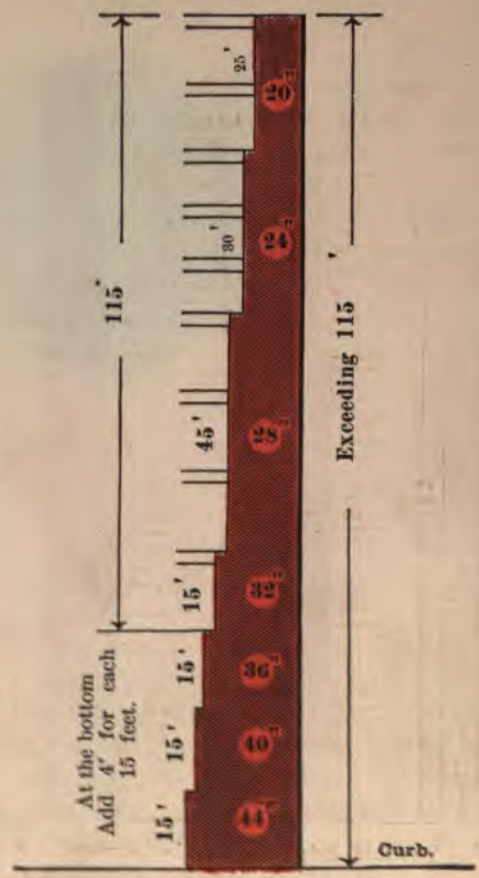
Party and sidewalls have the same thickness.

Front and rear walls and inside bearing walls may be four inches less in thickness.

(If the building be in width more than 25 feet clear span between walls, or more than 100 feet in depth, walls must be made thicker.)

(Fire-proof Building.)

No. 15.



The total heights cannot be increased.

The intermediate heights cannot be varied, the various thicknesses being to the tier of beams nearest thereto.

As many stories as desired may be placed within the given total heights

used or intended to be used as a dwelling for more than one family, to a height greater than is authorized by said last-mentioned act, so long as said act shall remain in full force and effect.

§ 477. (As amended by Section 6, Chapter 566, Laws of 1887.)—The walls of all warehouses, stores, factories, or buildings other than dwellings (except churches, theaters and school-houses), twenty-five feet or less in width between walls, shall not be less than [twelve] inches thick to the height of forty feet;

Thickness of bearing walls for stores, etc.

No. 9 Illustration.

Not exceeding 40 feet in height.

If over forty feet in height, and not over sixty feet in height, the walls shall not be less than sixteen inches thick to the height of forty feet, or to the nearest tier of beams to that height, and not less than twelve inches thick from thence to the top; bnt no such wall shall be built having a twelve-inch thick portion measuring vertically more than twenty-six feet.

Not exceeding 60 feet in height.

No. 10 Two Illustrations.

If over sixty feet in height, the walls shall be four inches thicker from top to bottom than is in the last section severally specified for dwelling-houses.

Exceeding 60 feet in height.

Nos. 11, 12, 13, 14, 15. Illustrations.

If there is to be a clear span of over twenty-five feet between walls, the bearing walls shall be four inches more in thickness than is in this section specified for every ten feet, or fraction thereof, that said walls are more than twenty-five feet apart;

Walls for warehouses to be thicker when clear span exceeds 25 feet.

And all buildings, not excepting dwellings, that are over one hundred feet in depth, without a cross-wall, or proper piers or buttresses, shall have the side or bearing walls increased in thickness four

Walls of all buildings over 100 feet in depth.

inches more than is specified in the respective sections for the thickness of walls, for every one hundred feet or part thereof, that said buildings are over one hundred feet in depth.

Partition walls and girders.

In all stores, warehouses and factories, over twenty-five feet in width between walls in which there shall be brick partition walls, or girders supported on iron or wooden columns, or piers of masonry, the partition walls, or girders, shall be so placed that the space between any two shall not exceed twenty-five feet, and the iron or wooden columns, or piers of masonry, and girders, shall be made of sufficient strength and diameter to bear safely the weight and any lateral strain to be imposed upon them, and in no case shall be less than sufficient to sustain the weight of two hundred pounds for every square foot of the floor or floors that rest upon them, exclusive of the weight of the material employed in their construction, and the iron or wooden columns, or piers of masonry shall have a continuous footing course of the thickness required for walls, with inverted arches under and between the columns, or not less than two footing courses of large, well-shaped stone laid crosswise, edge to edge, and at least ten inches thick in each course, or one footing course of stone laid upon a concrete bed not less than eighteen inches thick.

Bearing strength for girders and piers.

Requirements for piers under columns.

The piers above shall be built up with stone or brick, properly bonded, to the height required to receive a capstone of cut granite or blue stone at least twelve inches thick, or an iron plate of equal strength may be used and not less than twelve inches wider each way than the size of the post or column, and said cap shall be set solid to receive the same; and all foundations for piers, posts, or columns shall be increased in size in proportion to the height of the building and the weight to be imposed thereon.

In case iron or wooden girders, supported by iron or wooden columns or piers of masonry, are substituted in place of brick partition walls, the building may be seventy-five feet wide and two hundred feet deep, but not wider nor deeper, except in case of fire-proof buildings, which may be constructed as hereinafter provided for in section four hundred and ninety-two of this act. Restriction as to width and depth of non-fire-proof buildings.

In case the walls of any building are less than twenty-five feet apart, and less than forty feet in depth, or there are cross-walls which intersect and strengthen the walls, not more than forty feet distant or between the same the interior walls may be reduced in thickness in just proportion to the number of cross-walls, and their nearness to each other, provided, however, that this clause shall not apply to walls below sixty feet in height, and that no such wall shall be less than twelve inches thick at the top, and gradually increased in thickness by set-offs to the bottom; and the superintendent of buildings shall be authorized and empowered to decide (except where herein otherwise provided for), how much the walls herein mentioned may be permitted to be reduced in thickness, according to the peculiar circumstances of each case, without endangering the strength and safety of the building. When walls may be reduced in thickness.

The walls of churches, theatres, foundries, machine shops, school-houses and other buildings of a public character shall in no case be less than is in this title specified for warehouses; and said buildings shall have, in addition thereto, such piers or buttresses as in the judgment of said superintendent may be necessary to make a safe and substantial building. Walls for public buildings.

In all walls that are built hollow the same amount of stone or brick shall be used in their construction as if they were solid, as above set forth, and no hollow walls shall be built unless the two walls are con- Hollow walls.

nected by proper ties, either of brick, stone or iron, placed not over twenty-four inches apart.

Hollow bricks in walls.

The inside four inches of all walls may be built of hard-burnt hollow tile blocks [bricks], properly tied and bonded into walls, and of dimensions not less than those of ordinary bricks.

Light partition walls.

Eight-inch brick and six-inch and four inch hollow tile partition walls may be built, not exceeding in their vertical portions a measurement of fifty, thirty-six and twenty-four feet respectively, and in their horizontal measurement a length not exceeding seventy-five feet, unless strengthened by proper cross-walls, piers or buttresses. All such walls are to be carried on proper foundations, or on iron girders, or on iron girders and columns or piers of masonry.

Walls with piers and curtain walls.

In all walls the same amount of materials may be used in piers or buttresses, and the curtain walls may be made four inches less in thickness than specified respectively, for walls of dwellings and buildings other than dwellings, but no such curtain wall shall be less than twelve inches thick.

Point to compute height of walls.

The height of each and every wall shall be measured from the curb level at the centre of the building to the top of the highest point of the roof beams,

Height for walls on girders.

And in case the wall is carried on iron girders or iron girders and columns, or piers of masonry, the measurements, as to height, may be taken from the top of such girders.

To determine the width of buildings.

The width of buildings, for the purposes of this title, shall be determined by the way the beams are placed. The lengthwise of the beams shall be considered and taken to be the widthwise of the building, and the bearing walls are those walls on which the beams, trusses or girders rest.

Small one story buildings.

One story structures not exceeding a height of fifteen feet may be built with eight-inch walls when

the bearing walls are not more than eighteen feet apart, and the horizontal measurement of the eight-inch bearing walls does not exceed twenty-five feet.

[§ 478. Repealed by Section 43, Chapter 456, Laws of 1885.]

Cutting off walls.

§ 479. (As amended by Section 7, Chapter 566, Laws of 1887.)— No wall of any building now erected or hereafter to be built or erected, shall be cut off below or altered, without permission so to do having been first obtained from the superintendent of buildings.

Temporary supports.

Every temporary support placed under any structure, wall, girder or beam, during the erection, finishing, alteration or repairing of any building or structure, or any part thereof, shall be of sufficient strength to safely carry the load to be placed thereon.

Braces.

The walls of every building, during the erection or alteration, shall be strongly braced from the beams of each story until the building is inclosed, and the roof tier of beams shall be strongly braced to the beams of the story below until the floors in said building are laid.

Stone walls, how constructed.

§ 480. (As amended by Section 8, Chapter 566, Laws of 1887.)— All stone walls twenty-four inches or less in thickness shall have at least one header extending through the walls in every three feet in height from the bottom of the wall, and in every four feet in length, and if over twenty-four inches in thickness, shall have one header for every six superficial feet on both sides of the wall, and running into the wall at least two feet.

Headers in stone walls.

All headers shall be at least eighteen inches in width and eight inches in thickness, and consist of good flat stones, and no stones shall be laid in such walls in any other position than its natural bed.

Backing for stone ashlar

Stone ashlar shall be anchored to the backing, and the backing shall be of such thickness as to make the

walls (independent of the ashlar) conform as to thickness with the requirements of sections four hundred and seventy-six and four hundred and seventy-seven of this act;

Face brick. And all bearing walls faced with Philadelphia or other face brick, laid in running bond, shall be four inches thicker than the walls are required to be under any section of this title.

Frozen walls. Walls or piers, or parts of walls or piers, shall not be built in freezing weather, and if frozen shall not be built upon.

§ 481. (As amended by Section 9, Chapter 566, Laws of 1887.)—

Isolated piers. Every isolated pier built of brick less than nine superficial feet at the base, supporting any beam, girder, arch or column on which a wall rests, or lintel spanning an opening over eight feet and supporting a wall, shall, at intervals of not over thirty inches apart in height, have built into it a bond stone, not less than four inches thick, or a cast-iron plate of equal strength and the full size of the pier, and all piers shall be built of stone or good, hard, well-burnt brick laid in cement mortar.

Bond stones or cast-iron plates.

Front bond stones. For piers fronting on a street the bond stones may conform with the kind of stone used for the trimmings of the front.

Strength of cap stones, etc. In any case where any iron lintel, or iron or wooden girder, column or post rests on any wall or pier built entirely of stone or brick, the said lintel, girder, column or post shall rest or be set on a base stone of cut granite, or blue stone, at least twelve inches thick, or an iron plate of equal strength, or both combined, of such thickness as may be necessary to properly transmit the weight above.

Retaining walls. In buildings where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the side,

end or party walls of such building shall extend under the sidewalk to such curb wall.

Sidewalks.

The sidewalk in all such cases shall be of incombustible material entire, and shall be adequately supported by brick or stone walls, or iron beams and columns or piers.

Coal hole coverings.

Openings in such walls [walks] for the admission of coal or light shall be covered with lens lights in iron frames, or with iron covers having a rough surface.

Glass in side walks.

No plain surface of glass shall be placed in any sidewalk where any one glass measures more than four inches square.

Railings for open areas.

Open areas shall be properly protected with suitable railings.

Area coverings.

And when areas shall be covered over with iron, or with iron and glass combined, or with stone or other materials, sufficient strength in such covering shall be provided to insure safety to persons walking on the same, and to carry the loads which may be placed thereon.

Cement mortar, when to be used.

§ 482. (As amended by Section 10, Chapter 566, Laws of 1887.)—The walls of all buildings shall, below the surface of the ground, be built of stone or brick laid in cement mortar, and the backing up of all stone ashlar shall also be laid up with cement mortar, or cement and lime mortar; all other walls may be built of brick, stone, iron or other hard incombustible material, and when brick or stone are used they shall be laid in lime or cement mortar.

When lime mortar.

Hard brick.

The brick used in all buildings shall be good, hard, well-burnt brick, no swelled, refuse or soft brick shall be used,

Heading courses.

And in all brick walls every sixth course shall be a heading course, except, however, where walls are faced with brick in running bond, in which case every sixth course shall be bonded into the backing by cut-

ting the course of face brick and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same with a continuous row of headers.

Brick to be wet.

All brick laid in non-freezing weather shall be well wet immediately before being laid.

Sand for mortar.

The sand used for mortar in all buildings shall be clean, sharp sand, and shall not be finer than the standard samples kept in the office of the superintendent of buildings, which samples [shall] be approved by the board of examiners named in this title, and be kept in suitable glass jars for the guidance of the officers and for the inspection of the public.

Samples of sand.

Composition of cement mortar.

Cement mortar shall be made of sand and cement in the proportion of not more than three of sand to one of cement, and shall be used immediately after being mixed.

Lime mortar.

Lime mortar shall be made of not more than three parts of sand to one part of lime, and shall not be used before being thoroughly slacked.

Cement and lime mortar.

Cement and lime mortar shall be made of one part of lime, one part of cement and five parts of sand.

Concrete.

Concrete [for] foundations shall be made of one part cement, two parts sand, and three parts of small broken stone, all carefully mixed.

Quality of cement and lime.

No inferior cement or lime shall be used.

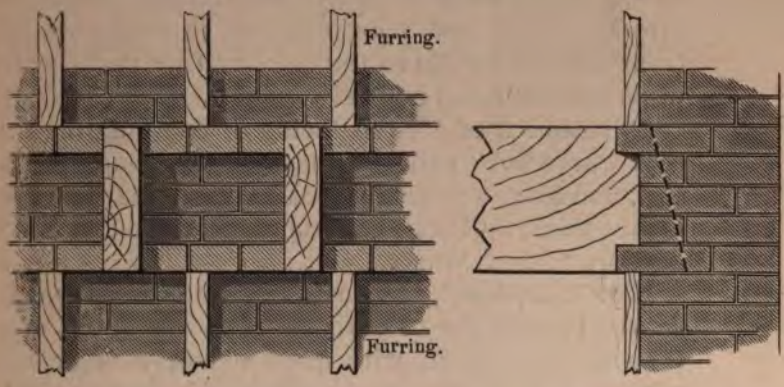
Joints of bricks.

The joints of all walls shall be filled with mortar, and the joints of all flues shall be struck perfectly smooth on the inside.

Recesses for pipes in walls.

No recesses for water or other pipes shall be made in any wall more than one-third of its thickness, and the recesses around said pipe or pipes shall be filled up with solid masonry for the space of one foot on the top and bottom of each story.

In all furred walls the course of brick above the underside and below the top of each tier of floor beams shall project the thickness of the furring, to more effectually prevent the spread of fire. Projecting courses of brick in furred walls.



SIDE OF WALL. SECTION OF WALL.

Recesses for alcoves and similar purposes shall not be deeper than eight inches, and in no case shall there be less than eight inches of brick work at the back of such recesses, and provided that such recesses shall not be more than eight feet in width, and shall be arched over and not carried up higher than eighteen inches below the bottom of the beams of the floor next above. Recesses for alcoves. Proviso.

The aggregate area of recesses in any wall shall not exceed one-fourth of the whole area of the face of the wall on any story, nor shall any such recess be made within a distance of six feet from any other one in the same wall. Aggregate area for recesses in walls.

§ 483. (As amended by Section 11, Chapter 566, Laws of 1887.)— In no case shall any wall or walls of any building be carried up more than two stories in advance of any other wall. Limit of side or end walls being carried in advance of front.

The front, rear, side and party walls of every building hereafter erected shall be properly bonded Wall anchors.

together, or shall be anchored to each other every six feet in their height by wrought-iron tie anchors, not less than one and a half inches by three-eighths of an inch. The side anchors shall be built into the side or party-walls not less than sixteen inches and into the front and rear walls, so as to secure the front and rear walls to the side, end or party-walls, when not built and bonded together.

Thickness for stone ashlar.

Ashlar anchors.

All stone used for the facing of any building (except where built with alternate headers and stretchers), and known as ashlar, shall not be less than four inches thick, and shall be strongly anchored with iron anchors to each stone.

Beam anchors

The side, front, rear or party-walls shall be anchored to each tier of beams at intervals of not more than six feet apart, with good strong wrought-iron anchors not less than one and a half inches by three-eights of an inch, well fastened to the side of the beams by two or more nails made of wrought-iron at least one fourth of an inch in diameter.

Straps for beams.

Where the beams are supported by girders, the girders shall be anchored to walls and fastened to each other by suitable iron straps. The ends of beams resting upon girders shall be butted together

Girder straps.

end to end, and strapped by wrought-iron straps of the same size and distance apart, and in the same beam as the wall anchors, and shall be fastened in the same manner as said wall anchors.

Pier anchors.

Every pier and wall, front or rear, shall be well anchored to the beams of each story, with the same size anchors as are required for side walls, and shall hook over the second beam,

Anchor strips.

And each tier of beams, front and rear, opposite each pier, shall have hard wood or Georgia pine anchor strips dovetailed into the beams diagonally, which strips shall cover at least four beams, and be one inch thick and four inches wide, but no such anchor strips shall be let in within four feet of the

centre line of the beams, or wooden strips may be nailed on the top of the beams and kept in place until the floors are laid.

§ 484. (As amended by Section 12, Chapter 566, Laws of 1887.)— All walls over fifteen feet high shall be coped with stone or well burnt terra cotta, excepting where such walls are to be finished with cornices or gutters. Coping, of what materials.

Parapet walls shall be carried two feet above the roof, excepting where the building is isolated, or is two feet or more higher or lower than the adjoining building, then the walls shall be carried up not less than one foot high. Parapet walls.

If a mansard or any other roof having a pitch of over sixty degrees be placed on any building, except a wooden building, or a dwelling-house not exceeding thirty-six feet in height, it shall be constructed of iron rafters, and lathed with iron on the inside and plastered, or filled in with fire-proof material not less than three inches thick, and covered with metal, slate or tile. Mansard roofs, how constructed.

Coverings for tanks and coverings for the machinery of elevators and all bulk-heads shall be constructed of fire-proof materials. Coverings for tanks, bulk-heads, etc.

But the bulk-heads of all dwelling-houses hereafter erected or altered, except as specified in section four hundred and ninety-two of this act, may be constructed of wood, and shall then be covered with not less than two inches of fire-proof material, or filled in the thickness of the studding with such material, and covered on all sides with metal, including sides and edges of doors. Bulk-heads on roofs.

§ 485. (As amended by Section 13, Chapter 566, Laws of 1887.)— All iron lintels shall have bearings proportionate to the weight to be imposed thereon, but no lintel used to span any opening more than ten feet in width Bearing for iron lintels.

On walls,

shall have a bearing less than twelve inches at each end, if resting on a wall, but if resting on an iron post, such lintel shall have a bearing of at least six inches at each end by the thickness of the wall to be supported.

On iron posts, bearings for iron lintels.

Iron posts for party-walls.

If the posts are to be party posts in front of a party-wall and are to be used for two houses, then the said posts shall not be less than sixteen inches on the face by the thickness of the wall above, and if the party-wall be more than sixteen inches thick, then the post shall be the thickness of the wall on the face.

Intermediate iron posts, and bearing of lintels on same.

Intermediate posts may be used which shall be sufficiently strong, and the lintels thereon shall have sufficient bearings to carry the weight above with safety, as in this act provided.

Bearing blocks or plates under ends of girders.

When the lintels or girders are supported at the ends by brick walls or piers they shall rest upon cut granite or blue stone blocks at least twelve inches thick, or upon cast-iron plates of equal strength by the full size of the bearings. In case the opening is less than twelve feet, the stone blocks may be six inches in thickness, or cast-iron plates of equal strength by the full size of the bearings, may be used, and in all cases where the girder carries a wall and rests on brick piers the bearing shall be sufficient to support the weight above with safety.

Limit of span for cast-iron lintels.

Wrought-iron beams for wide spans.

Arch-girders.

Iron beams or girders used to span openings more than twelve feet in width, and upon which walls rest or on which floor beams are carried, shall be of wrought-iron and of sufficient strength, or arch girders may be used having a rise of not less than one inch to each foot of span between the bearings with one or more wrought-iron tie-rods of sufficient strength to resist the thrusts, well fastened at each end of the girder.

Width of girders.

All lintels or girders placed over any opening in the front, rear or side of a building, or returned

over a corner opening, when supported by brick piers, iron or stone columns, shall be of iron and of the full breadth of the wall supported.

Fire-proof columns.

In all buildings hereafter erected or altered, where any iron column or columns are used to support a wall or part thereof, whether the same be an exterior or interior wall, excepting a wall fronting on a street, the said column shall be either constructed double, that is, an outer and inner column, the inner column being of sufficient strength to alone sustain safely the weight to be imposed thereon, or a column having internal webs of sufficient strength, independent of the outer iron, to bear the weight imposed thereon; or such other column may be used as the superintendent of buildings may certify to as being of sufficient strength and so constructed as to secure resistance to fire.

Party-wall iron posts to be filled in.

Iron posts in front of party-walls shall be filled up solid with masonry and made perfectly tight between the posts and walls to effectually prevent the passage of smoke or fire.

Iron columns to be drilled to exhibit their thickness.

Cast-iron posts or columns which are to be used for the support of wooden or iron girders or brick walls, not cast with one open side or back, before being set up in place shall have a three-eighths of an inch hole drilled in the shaft of each post or column, by the manufacturer or contractor furnishing the same, to exhibit the thickness of the castings, and any other similar sized hole or holes which the superintendent of buildings, or his duly authorized representative, may require, shall be drilled in the said posts or columns by the said manufacturer or contractor at his own expense, and at any time prior to the setting of the said posts or columns.

Iron plates between columns.

Iron posts or columns shall have solid iron plates on top of each to prevent the passage of smoke or

fire through them from one story to another, and the bottoms and tops of all iron posts and columns, caps and bases, shall be made true.

Iron columns, minimum thickness for.

No post or column shall be used in any building of a less average thickness of shaft than three-quarters of an inch.

Iron fronts, arches to be filled in.

The iron arches, or the usual light castings connecting the columns of an iron front, shall be filled in from the soffits to the sills with brick work not less than eight inches thick.

§ 486. (As amended by Section 14, Chapter 566, Laws of 1887.)—

Arches over door and window openings.

All openings for doors and windows in all buildings, except as otherwise provided, shall have good and sufficient arches of stone or brick, well built and keyed, with good and sufficient abutments, or lintels of stone or iron, as follows: For an opening not more

Lintels.

than four feet in width, the lintel shall not be less than eight inches in height; and for an opening not more than six feet in width, the lintel shall not be less than twelve inches in height, and for an opening exceeding six feet in width, and not more than eight feet in width, the lintel shall be of iron or stone, and the full thickness of the wall to be supported; and every lintel over such opening six feet or less in width in all walls shall not be less than four inches thick, if of stone, and shall have a bearing at each end of not less than five inches on the walls.

Inside lintels.

On the inside of all openings in which the lintel shall be less than the thickness of the wall to be supported, there shall be a good timber lintel on the inside of the other lintel, which shall rest at each end not more than three inches on any wall, and shall be chamfered at each end, and shall have a double row-lock or bonded arch turned over said timber lintel.

Centers for arches.

Arches built of stone or brick may be turned over openings on a centre, which may be removed after

the arch is turned, provided the arch has a good and sufficient rise, and that the piers or abutments are of sufficient strength to bear the thrust of the arch.

Arches over openings or fire-places shall be built of good hard brick or stone, laid close joints and well keyed. Fire-place arches.

§ 487. (As amended by Section 15, Chapter 566, Laws of 1887.)— Iron shutters. All buildings which are more than two stories, or above twenty-five feet, in height above the curb level, already erected, or that may hereafter be built in said city, except dwelling-houses, school-houses and churches, shall have doors, blinds or shutters made of iron or other fire-resisting material to be approved by the superintendent of buildings, on every window and opening above the first story, excepting in front, and also on their front openings above the first story, if fronting on streets which are less than thirty feet in width.

All occupants of buildings shall close the shutters, doors and blinds of the rear and side windows and openings; and when front shutters are provided, shall also close such shutters at the close of business; Iron shutters to be closed.

And all shutters on the front window openings above the first story shall be so arranged that they can be readily opened from the outside by the firemen. Iron shutters to open from the outside.

All rolling iron or steel shutters hereafter placed in the first story of any building shall be counterbalanced so that said rolling shutters may be readily opened by the firemen. Rolling iron shutters to be counter-balanced.

No building hereafter erected, other than a dwelling-house or fire-proof building, shall have inside iron shutters to windows above the first story. Inside iron shutters.

All windows and openings above the first story may be exempted from having shutters by the board of examiners hereinafter provided. Exempting buildings from iron shutters.

Hoistway openings.

In any building in the city of New York, in which there shall be any hoistway or freight elevator or well-hole, not inclosed in walls constructed of brick or other fire-proof material, and provided with fire-proof doors, the openings thereof, through and upon each floor of said building, shall be provided with and protected by a substantial railing, or with such good and sufficient trap-doors with which to close the same, or both, as may be directed and approved by the superintendent of buildings, and such railings and trap-doors shall be kept closed at all times, except when in actual use by the occupant or occupants of the building having the use or control of same.

Trap-doors and railings.

Skylights over elevator openings.

And in all buildings hereafter erected the roof immediately over the said hoist-way, elevator or well-hole shall be covered with a skylight of suitable size.

Elevators to be inclosed except in fire-proof buildings.

All elevators hereafter placed in any building in said city, except such fire-proof buildings as have been or may be erected in accordance with section four hundred and ninety-two of this act, shall be inclosed in suitable walls of brick, or with a suitable frame-work of iron and burnt clay filling, or of such other fire-proof material and form of construction as may be approved by the superintendent of buildings. Said walls or construction shall extend through and at least three feet above the roof, and shall have suitable openings in the same, to be provided with fire-proof doors.

Elevators in stair wells.

But elevators may be put in the well-hole of stairs, in buildings without such brick or fire-proof enclosures, where the stairs are enclosed in brick or stone walls, and the stairs are themselves entirely constructed of stone, brick, iron or slate.

Elevators, when placed in old buildings.

Elevators may also be placed in any stair-well or open court of any building erected prior to the passage of this act, under a permit therefor from the superintendent of buildings, who may grant such

permit upon the approval of the board of examiners hereinafter provided, but the frame work and enclosure of any such elevator shall be constructed of fire-proof materials.

Dumb-waiters to be enclosed.

The foregoing requirement as to brick or fire-proof shafts shall include dumb-waiters in dwelling-houses, which extend through more than three stories.

Roofs over elevators.

The roofs over all elevators shall be made of fire-proof materials, with a skylight at least three-fourths of the area of the shaft, made of glass set in iron frames.

Walls of light shafts.

All the walls or petitions forming interior light shafts shall be built of brick, or such other fire-proof material as may be approved by the superintendent of buildings. The walls of all light shafts, whether exterior or interior, hereafter erected, shall be carried up not less than three and one-half feet above the level of the roof.

Iron gratings at top of elevators.

Immediately under the machinery at the top of every elevator shaft, hereafter placed in any building in said city, there shall be provided and placed a substantial grating or screen of iron, of such construction as shall be approved by the superintendent of buildings.

Passenger elevators, inspection of.

The superintendent of buildings, by and with the approval of the board of fire commissioners, shall make regulations for the inspection of passenger elevators with a view to the safety of passengers; and shall also prescribe suitable qualifications for persons who are placed in charge of running passenger elevators. The regulations so made shall require any repairs found necessary upon inspection to be made without delay, and in case defects are found to exist which would endanger life by the continual use of such elevator, then in either of said cases, upon notice from the superintendent of buildings, the use of such elevator shall cease, and it shall not again be used until a certificate shall be first obtained from

Necessary repairs to be made.

Certificate to be obtained after notice to repair.

said superintendent that such elevator has been put in safe order and is fit for use.

Qualifications to be prescribed.

And no person shall employ, or permit any person to be in charge of running any passenger elevator who does not possess the qualifications prescribed therefor.

§ 488. (As amended by Section 16, Chapter 566, Laws of 1887.)—

Chimneys and flues, how constructed.

All chimneys and all flues in stone or brick walls in any building hereafter erected, or any chimneys or flues altered or repaired, without reference to the purpose for which they may be used, shall have the joints struck smooth on the inside, and no parging mortar shall be used on the inside, and the fire backs of all chimneys hereafter erected shall not be less than eight inches in thickness, of solid masonry.

Furnace and boiler flues.

The stone or brickwork of the smoke flues and chimney shafts of all furnaces, boilers, bakers' ovens, large cooking ranges and laundry stoves, and all flues used for a similar purpose, shall be at least eight inches in thickness, unless there is a cast-iron or fire-brick pipe built inside of the same, with one inch air space all around it; then the stone or brickwork shall not be less than four inches in thickness.

Smelting furnace flues.

The smoke flues of smelting furnaces, or of furnaces which heat the flues to a high temperature, shall be built with double walls, with an air space between them, the inside four inches to be fire-brick or fire-clay slabs, or blocks laid in fire mortar, to the height of fifteen feet from the bottom.

Smoke flues to extend above roof and coped.

All smoke flues shall extend at least three feet above the roof, and shall be coped with well-burnt terra cotta, stone or iron.

Wooden beams, distance from flues.

All wooden beams shall be trimmed away from all flues, whether the same be a smoke, air or any other flue, the trimmer beam to be twelve inches from the inside face of a flue in a straight way, and eight

inches in a chimney breast, and the header four inches from the outside face of the flue.

All stone or brick hot-air flues and shafts shall be lined with tin pipes. Hot-air flue tin pipes.

No wooden casing, furring or lath shall be placed against or cover any smoke flue or metal pipe used to convey hot-air or steam. Woodwork against flues.

No smoke pipe shall pass through any floor of any building. Smoke pipes through floors prohibited.

No stove pipe in any building with wooden or combustible floors, ceilings or partitions, shall enter any flue unless the said pipe shall be at least twelve inches from either the floors, ceilings or partitions, unless the same is properly protected by a metal shield, then the distance shall not be less than six inches. Stove pipes, distance from ceilings.

And in all cases where stove pipes pass through stud or wooden partitions of any kind, they shall be guarded by either a double collar of metal, with at least three inches of air space and holes for ventilation, or by a soapstone ring not less than three inches in thickness and extending through the partition. Stove pipes through stud partitions, collars for.

In all cases where laundry stoves, hot water, steam, hot-air or other furnaces are used, the smoke pipe must be kept not less than eighteen inches from the floor beams or ceiling, unless the same is properly protected by a metal shield, then the distance shall not be less than nine inches, and in all cases where the pipes pass through a wood or stud partition, it shall be protected by a thimble with eight inches of brickwork around it, or a double collar of metal with at least six inches air space and holes for ventilation. Smoke-pipes.

No tin or other metal flues, or pipes used or intended to be used to convey heated air, shall be allowed, unless the same are inclosed with brick or stone at least four inches in thickness, or other hard, incombustible materials, except horizontal pipes and Hot-air pipes.

hot-air pipes in stud partitions, which shall be built in the following manner: The pipes shall be double, that is, two pipes, one inside the other, at least one-half inch apart, and there shall be a space of three inches between the pipe and stud on each side; the inside faces of said stud shall be well lined with tin plate and the outside faces covered with iron, lath or slate.

Hot-air pipes in stud partitions.

But no hot-air pipe shall be allowed in any stud partition unless said partition shall be at least eight feet distant in a horizontal direction from the furnace.

Horizontal air-pipes.

Horizontal hot-air pipes shall be kept six inches below the floor beams or ceiling; if the floor beams or ceiling are plastered or protected by a metal shield, then the distance shall not be less than three inches.

Hot-air pipes through stud partitions, collars for.

In all cases where hot-air pipes pass through a wood or stud partition, they shall be guarded by either a double collar of metal, with two inches air spaces and holes for ventilation, or surrounded by brickwork at least four inches in thickness.

No hot-air pipes in combustible floors.

No hot-air flues or pipes shall be allowed between any combustible floor and ceiling.

Flues to be kept clean.

All flues in every building shall be properly cleaned and all rubbish removed, and the flues left smooth on the inside upon the completion of all such buildings as aforesaid.

Chimney breasts, how supported.

No chimney shall be started or built upon any floor or beam of wood, and in no case shall a chimney be corbeled out more than eight inches from the wall, and in all such cases the corbeling shall consist of at least five courses of brick. Where chimneys are supported by piers, the piers shall start from the foundation on the same line with the chimney breast, and shall not be less than twelve inches on the face, properly bonded into the walls.

Hearths, how supported.

All hearths shall be supported by trimmer arches of stone or brick or burnt clay, at least sixteen inches

in width, measured from the face of the chimney breast.

No chimney in buildings already erected or hereafter to be built shall be cut off below, in whole or in part, and supported by wood, but shall be wholly supported by stone, brick or iron. Chimneys when cut off below, how supported.

All chimneys in any part of said city, which shall be dangerous in any manner whatsoever, shall be repaired and made safe, or taken down. Unsafe chimneys.

Cupola chimneys of foundries shall extend at least ten feet above the highest point of any roof within a radius of fifty feet of such cupola, and be covered on top with heavy wire netting. Cupola chimneys.

§ 489. (As amended by Section 17, Chapter 566, Laws of 1887.)—No steam pipe shall be placed within two inches of any timber or woodwork unless the timber or woodwork is protected by a metal shield, then the distance shall not be less than one inch. Steam pipes, distance from timbers.

All steam pipes passing through floors and ceilings or lath and plastered partitions shall be protected by a metal tube two inches larger in diameter than the pipe. Steam pipes, protected by metal tube.

All wooden boxes or casings inclosing steam pipes and all covers to recesses shall be lined with iron or tin plate. Steam pipes, recesses to be lined.

All brick hot-air furnaces shall have two covers with an air space of at least four inches between them, the inner cover of the hot-air chamber, shall be either a brick arch or two courses of bricks laid on galvanized iron, supported by iron bars, the outside cover, which is the top of the furnace, shall be made of bricks or metal supported by iron bars, and so constructed as to be perfectly tight, and shall not be less than four inches below the ceiling or floor beams. The walls of the furnace shall be built hollow in the following manner: One inner and one outer wall, each four inches in thickness, properly bounded Furnaces, hot-air, construction of.

[bonded] together, with an air space of not less than three inches between them.

Registers over brick furnace.

Registers located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot-air chamber, said shaft shall have a metal pipe inside of it.

Furnaces, distance from wood work.

Furnaces must be built clear of all woodwork at least four inches.

Cold-air boxes for furnaces.

All cold-air boxes shall be made of iron or brick for a distance of at least three feet from the furnace.

Portable furnaces.

All portable hot-air furnaces shall be kept at least two feet from any wooden or combustible partitions or ceilings, unless the partitions and ceilings are properly protected by a metal shield, then the distance shall not be less than one foot.

Floors under furnaces.

Wooden floors under any portable furnace shall be protected by a suitable stone, or course of bricks well laid in mortar. Said stone or bricks shall extend at least two feet beyond the furnace in front of the ash pan.

Borders for registers.

All registers for hot-air furnaces placed in any woodwork or combustible floors shall have stone borders firmly set in plaster of Paris or gauged mortar. All such register boxes shall be made of tin-plate with a flange on the top to fit the groove in the stone, the register to rest upon the same; there shall be an open space of two inches on all sides of the register box extending from the under side of the stone to and through the ceiling below; the said opening shall be fitted with a tight tin casing, the uper end of which shall be turned under the stone.

Register boxes.

Register box in floor over portable furnace.

When a register box is placed in the floor over a portable furnace the open space on all sides of the register box shall not be less than three inches.

Gas-light brackets.

All gas brackets shall be placed at least three feet below any ceiling or woodwork, unless the same is properly protected by a shield; in which case the distance shall not be less than eighteen inches. No

swinging or folding gas-bracket shall be placed against any stud partition or woodwork. Gas-lights placed near window curtains or any other combustible material shall be protected by a proper shield.

Register, when to have no valves.

When only one register is connected with a furnace said register shall have no valves.

Gas and other pipes, when let into the beams.

No gas, water or other pipes which may be introduced into any building shall be let into the beams unless the same be placed within thirty-six inches of the end of the beams; and in no buildings shall the said pipes be let into the beams more than two inches in depth.

Notice to be given when furnaces are put in.

In all cases where hot water, steam, hot air or other heating appliances or furnaces are hereafter placed in any building, or flues or fire places are changed or enlarged, due notice shall first be given to the superintendent of buildings by the person or persons placing the said furnace or furnaces in said building, or by the contractor or superintendent of said work.

Gas supply pipes.

All buildings other than dwelling-houses, hereafter erected, and all factories, hotels, churches, theaters, school-houses and other buildings of a public character now erected, in which gas or steam is used for lighting, or heating, shall have the supply pipes leading from the street mains provided each with a stop cock placed in the sidewalk at or near the curb, and so arranged as to allow of shutting off at that point;

Electric wire cut-offs.

And electric wires for furnishing light, heat or power, led into any such building from the outside thereof, shall be arranged with suitable appliances to cut off the current on the outside of the building.

§ 490. (As amended by Section 18, Chapter 566, Laws of 1887.)—

Wooden beams in party walls.

All wooden beams and other timbers in the party-wall of every building hereafter erected or built of stone, brick or iron, shall be separated from the beam or

timber entering into the opposite side of the wall by at least four inches of solid mason work.

Ends of beams, how supported.

No floor beams shall be supported wholly upon any wood partition; but every beam except headers and tail beams, shall rest at one end four inches in the wall, or upon a girder as authorized by this title.

Header and trimmer beams.

And every header or trimmer more than four feet long used in any building, shall be hung in stirrup-irons of suitable thickness for the size of the timbers.

Timber, except lintels, prohibited in walls.

No timber shall be used in any wall of any building where stone, brick or iron is commonly used, except lintels, as hereinbefore provided.

Strength of floors.

In every building already erected or hereafter to be built, the floors shall be of sufficient strength to bear the weigh imposed upon them, exclusive of the weight of the materials used in their construction;

In warehouses, strength of floors to be posted.

And in all storehouses the weight that each floor will safely sustain upon each superficial foot shall be estimated by the owner thereof, and posted in a conspicuous place on each floor thereof; and the weight that may be placed on either of the floors of the said building or buildings shall be safely distributed thereon.

Quality of timber.

And all timbers and beams used in any building hereafter constructed, altered or repaired, shall be of good, sound material, free from rot, or any imperfections whereby its strength may be impaired, and be of such size and dimensions as the purposes for which the building is intended require.

Bearing weight for floors.

§ 491. (As amended by Section 19, Chapter 566, Laws of 1887.)—In all buildings, every floor shall be of sufficient strength in all its parts to bear safely upon every superficial foot of its surface seventy-five pounds; and if used as a place of public assembly one hundred and twenty pounds; and if used as a store, factory, warehouse or for any manufacturing or commercial purpose, from one hundred and fifty pounds and

upwards; and every floor shall be of sufficient strength to bear safely the weights aforesaid, in addition to the weight of the materials of which the floor is composed;

Strength of columns.

And every column, post or other vertical support shall be of sufficient strength to bear safely the weight of the portion of each and every floor depending upon it for support, in addition to the weight required as above to be supported safely upon said portions of said floors.

Calculations for strength of materials.

The dimensions of each piece or combination of materials required shall be ascertained by computation, according to the rules given in Trautwine's Treatise for Engineers, or the treatises of other authors now or hereafter used at the United States Military Academy at West Point, on the strength of materials. The factors of safety shall be as one to three for all beams, girders and other pieces subject to a transverse strain; and as one to six for all posts, columns, and other vertical supports subject to a compressive strain; and as one to six for tie-rods, tie-beams, and other pieces subject to a tensile strain.

Iron beams supporting a wall to be inspected or tested.

Before any iron beam, lintel or girder intended to span an opening over eight feet in length, in any building hereafter erected or altered in the city of New York, shall be used for supporting a wall, the manufacturer or founder thereof, or the owner, shall have the same inspected, and if required by the superintendent of buildings, shall have the same tested by actual weight or pressure thereon, under the direction and supervision of an inspector authorized by the superintendent of buildings.

Bearing weight to be marked on iron beams.

Said manufacturer, founder, or owner, shall notify the superintendent of buildings, in writing, of the time when, and the place where, said inspection and test may be made, and said inspector shall cause the weight which each of said beams, lintels, or girders

will safely sustain to be properly stamped or marked in a conspicuous place thereon, and no greater weight shall be put or placed upon any beam, lintel or girder, than that stamped or marked thereon, by said inspector; and in case any beam, girder or lintel, or any iron column shall be rejected by said inspector as unfit or insufficient to be used for the purpose proposed, the same shall not be used for such purpose in, upon, or about any building or part thereof.

Quality of iron work.

All ironwork used in any building or part thereof hereafter to be erected or altered shall be of the best material and made in the best manner.

Buildings exceeding 80 ft. in height to be fire-proofed.

§ 492. (As amended by Section 20, Chapter 566, Laws of 1887.)—Every building hereafter erected (for which plans have not been heretofore filed and approved), the height of which exceeds eighty feet, shall be built fireproof, that is to say, shall be constructed with walls of brick, stone, iron or other hard incombustible materials, in which timber lintels or bond timbers shall not be placed, and in which the floors and roofs shall be of materials similar to the walls. The stairs and stair-case landings shall be built entirely of brick, stone, iron or other hard, incombustible materials. No woodwork or other inflammable material shall be used in any of the partitions, furrings or ceilings in any such fireproof buildings, excepting, however, that the doors and windows and their frames, the trims, casings, the interior finish, and the floor boards and sleepers directly thereunder may be made of wood.

Rules for constructing fireproof buildings.

In all fire-proof buildings hereafter constructed, the following rules must be observed:

Iron columns.

1. All iron columns shall be made true and smooth at both ends, and shall rest on cast-iron bed plates, and have cast-iron caps, which shall also be made true.

Iron beams.

All iron trimmer beams, headers and tail beams

shall be suitably framed and connected together, and the iron girders, columns, beams, trusses, and all other iron work of all floors and roofs shall be strapped, bolted, anchored and connected together, and to the walls, in a strong and substantial manner.

Stone or iron templates.

2. Under the ends of all iron beams where they rest on the walls, a stone or cast-iron template must be built into the walls, said templates to be eight inches wide, in twelve inch walls, and in all walls of greater thickness to be twelve inches wide, and such templates, if of stone, shall not be in any case less than two and one-half inches in thickness, and no template shall be less than twelve inches long.

Segment arches between iron floor beams.

3. All brick or stone arches placed between iron floor beams, shall be at least four inches thick and have a rise of at least one and a quarter inches to each foot of span between the beams.

Flat arches between iron floor beams.

Arches over five feet span shall be properly increased in thickness, as required by the superintendent of buildings, or the space between the beams may be filled in with sectional hollow brick of burnt clay, or some equally good fire-proof material, having a depth of not less than one and one-quarter inches to each foot of span, a variable distance being allowed of not over six inches in the span between the beams.

Arches to be laid in cement and grouted.

4. The said brick arches shall be laid to a line on the centres, with close joints, and the brick shall be well wet, and the joints filled with cement mortar, in proportions of not more than two of sand to one of cement by measure. The arches shall be well grouted and pinned or chinked with slate, and keyed.

Roof cornices and gutters.

§ 493. (As amended by Section 21, Chapter 566, Laws of 1887.)—All exterior cornices and gutters of all buildings hereafter erected shall be of some fire-proof material, and in every case the greatest weight of stone, iron

or other material of which the cornices shall be constructed shall be on the inside of the outer line of the wall on which the cornice rests, in the proportion of three of wall to two of cornice in weight, allowance being made for the excess of leverage produced by the projection of the cornice beyond the face of the wall.

Cornices secured with anchors.

All fire-proof cornices shall be well secured to the walls with iron anchors, independent of any woodwork,

Where cornices are, the walls to be carried up to certain points.

And in all cases the walls shall be carried up to the planking of the roof, and where the cornice projects above the roof the wall shall be carried up to the top of the cornice, and the party-wall shall in all cases extend up above the planking of the cornice and be coped.

Unsafe wooden cornices.

All exterior wooden cornices that may now be or that may hereafter become unsafe or rotten shall be taken down, and if replaced shall be constructed of some fire-proof material; and all exterior cornices of wood or gutters that may hereafter be damaged by fire to the extent of one-third shall be taken down, and if replaced, shall be constructed of some fire-proof material; but if not damaged to the extent of one-third, the same may be repaired with the same kind of material of which it was originally constructed.

Metallic leaders.

All buildings already erected, or which may be hereafter erected, shall be kept provided with proper metalic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations,

Leaders not to discharge upon sidewalk.

And in no case shall the water from the said leaders be allowed to flow upon the sidewalk, but shall be conducted by pipe or pipes to the sewer, or if there be no sewer in the street upon which such building fronts, then by proper pipe or pipes, below the surface of the sidewalk, to the street gutter.

§ 494. (As amended by Section 22, Chapter 566, Laws of 1887.)— The planking and sheathing of the roof of every building erected or built as aforesaid shall in no case be extended across the front, rear, side, end or party-wall thereof, and every such building and the tops and sides of every dormer-window thereon shall be covered and roofed with slate, tin, zinc, copper or iron, or such other quality of fire-proof roofing as the superintendent of buildings, under his certificate, may authorize, and the outside of the frames of every dormer-window hereafter placed upon any building as aforesaid shall be made of some fire-proof material.

Roof planking.

Metal roofing.

And no wooden building in any part of the said city, more than two stories or above twenty feet in height above the curb level to the highest part thereof, which shall require roofing, shall be roofed with any other roofing or covered except as aforesaid.

Roof covering for wooden buildings.

Nothing in this section shall be construed to prohibit the repairing of any shingle roof, provided the building is not altered in height.

Shingle roofs repairing of.

All buildings in the city of New York now built, or hereafter to be built, shall have scuttles or bulk-heads, covered with some fire-proof materials, with ladders or stairs leading thereto. The scuttles in all tenement-houses shall have stationary iron ladders leading to the same, and all scuttles and ladders shall be kept so as to be ready for use at all times, and no scuttle shall be less in size than two by three feet.

Scuttles and bulk-heads.

Scuttle ladders.

If a bulk-head is used in place of a scuttle, it shall have stairs with sufficient guard or hand-rail leading to the roof; and in case the building shall be a tenement-house, the door in the bulk-head, or any scuttle, shall at no time be locked, but may be fastened on the inside by movable bolts or hooks.

Bulk-head stairs and doors.

All skylights having a superficial area of more than nine square feet, placed in any building, shall

Skylights how constructed.

have the sashes and frames thereof constructed of iron and glass.

Skylights required in roofs of fire-proof buildings.

Every fire-proof roof hereafter placed on any building shall have, besides the usual scuttle or bulk-head, a skylight or skylights of a superficial area equal to not less than one fiftieth the superficial area of such fire-proof roof.

Frame building limits—

§ 495. (As amended by Section 23, Chapter 566, Laws of 1887.)—No frame or wooden building shall be built, except as in this section authorized,

South of a line drawn through the centre of One Hundred and Fifty-fifth street, commencing at the North river and running thence easterly to the east side of Eleventh avenue; thence at right angles northerly to the centre line of the block between One Hundred and Fifty-fifth street and One Hundred and Fifty-sixth street; thence easterly parallel to Hundred and Fifty-fifth street to the Harlem river,

on west side of city,

Nor south and west of a line drawn through the centre of One Hundred and Thirty-eighth street from the Harlem river to its intersection with a line drawn through the centre of that portion of Cypress avenue, which is south of One Hundred and Thirty-eighth street; thence southerly through the centre of said portion of Cypress avenue to the East river.

on east side of city.

Wooden fences.

Fences of wood shall not be erected over ten feet high, nor signs of wood over two feet high.

Piazzas or balconies of wood.

Piazzas or balconies of wood which do not exceed eight feet in width, and which do not extend more than three feet above the second story floor beams, with piers of masonry or iron columns to support the same, may be erected upon the front or side of any detached dwelling-house occupied by not more than one family, but only upon a permit from the superintendent of buildings. In connected houses such piazzas or balconies may be built, provided the same are open on the front and have brick ends not less

than eight inches thick, carried up above the roof and coped with stone. The roofs of all piazzas shall be covered with some fire-proof material.

Sheds of wood not over fifteen feet high open on at least one side, with the sides and roof thereof covered with fire-proof material, may also be built,

Sheds of wood.

And any bay or oriel window that does not extend more than three feet above the second story floor of any dwelling-house may be built of wood.

Bay or oriel windows.

Privies not exceeding one hundred and fifty square feet in superficial area and eight feet high may be built of wood, but the roofs must be covered with metal, gravel or slate.

Privies of wood.

Any sign now erected or that may be hereafter placed on the street front of any building, that may now be or that may hereafter become rotten or unsafe, shall be taken down and removed.

Signs, unsafe.

Frame buildings with shingle roofs and twelve-inch brick foundation walls under the same may be built in the twelfth, twenty-third and twenty-fourth wards, north and east of the limits above described.

Frame buildings may be built above certain limits.

But no frame dwelling-house hereafter erected shall be occupied by more than two families, nor shall any frame building already erected be altered to be occupied by more than two families.

New or altered frame dwelling-houses not for more than two families.

§ 496. (As amended by Section 24, Chapter 566, Laws of 1887.)—It shall not be lawful for the owner or owners of any brick dwelling-house with eight-inch walls, or of any wooden building already erected in said city that has a peak roof, to raise the same for the purpose of making a flat roof thereon, unless the same be raised with the same kind of material as the building, and except such new roof be covered with some of the articles mentioned in the four hundred and ninety-fourth section of this act, and provided that no such building, when so raised, shall exceed forty feet in height to the highest part thereof. All such build-

Raising roof from peak to flat roof.

ings must exceed twenty-five feet in height to the peak before the said alterations.

Raising or lowering buildings to grade of streets.

If any such building shall have been built before the street upon which it is located is graded, or if the grade is altered, such building may be raised or lowered to meet the requirements of such grade.

Raising or lowering buildings to conform to new street grade.

No brick or wooden building shall be enlarged or built upon, unless the exterior walls of said addition or enlargement be constructed of fire-proof materials; provided, however, that such brick or wooden buildings may be raised, lowered or altered under the same circumstances, and in the same manner especially provided for in this section.

Removing wooden buildings.

No wooden building shall be moved from one lot to another until a sworn petition setting forth the purposes of said removal and the uses to which said building is to be applied is filed in the office of the superintendent of buildings, and the written consent of said superintendent is first obtained therefor. Provided, however, that no wooden building shall be moved from above to below the limits prescribed herein for the erection of wooden buildings.

Frame buildings damaged by fire.

§ 497. (As amended by Section 26, Chapter 456, Laws of 1885.)—Every wooden or frame building with a brick or other front situated in the said city which may hereafter be damaged by fire or otherwise, to an amount not greater than one half of the value thereof at the time of such damage, may be repaired or rebuilt; but if such damage shall amount to more than one-half of such value thereof, exclusive of the value of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down. The amount and extent of such damage, by fire or otherwise, shall be determined by one surveyor appointed by said superintendent of buildings, and one surveyor appointed by the owner or owners of the said premises; and in case these two do not agree, they shall appoint a third party, and a

Amount of damage, how ascertained.

decision of a majority of them, reduced to writing and sworn to, shall be conclusive, and such building shall in no manner be repaired or rebuilt until after such decision shall have been rendered.

Frame dwellings not to be used for other purposes.

And no frame building now used as a dwelling shall be hereafter altered or used as a factory, warehouse, or any other purpose, except the same be altered to conform to the provisions of this title.

Altered buildings to conform to law for new buildings.

§ 498. (As amended by Section 25, Chapter 566, Laws of 1887.)—No building already erected, or hereafter to be built in said city, shall be raised, altered or built upon in such manner, that were such building wholly built or constructed after the passage of this act, it would be in violation of any of the provisions of this title.

Buildings not to be altered until after examination.

Before any building shall be enlarged, raised, altered or built upon, the same shall be first examined by an officer in the bureau of inspection of buildings to ascertain if the building or buildings, are in good and safe condition to be enlarged, raised, altered or built upon; and no such building shall be enlarged, raised, altered or built upon, until after such examination shall have been made, and a decision thereon rendered by the superintendent of buildings; and the decision of said superintendent after such examination shall be made without delay.

Fire-escapes for dwellings.

§ 499. (As amended by Section 26, Chapter 566, Laws of 1887.)—All dwelling-houses now erected, or that may hereafter be erected, more than two stories in height, occupied or built to be occupied by two or more families on any floor above the first, and all buildings now erected, or that may hereafter be erected, more than four stories in height, occupied by, or built to be occupied by three or more families above the first story, and every building already erected, or that may hereafter be erected, more than three stories in height, occupied or used as a hotel, lodging-house, or board-

ing-house, having more than fifteen rooms, and every factory, mill, office-building, manufactory or workshop, hospital, asylum, or institution for the care or treatment of individuals, and every building in whole or in part occupied or used as a school or place of instruction, or assembly, shall be provided with such good and sufficient fire-escapes or other means of egress in case of fire as shall be directed by the superintendent of buildings, and said superintendent shall direct such means of egress to be provided in all cases where he shall deem the same necessary.

Fire-escapes to be kept in good repair and free from obstruction.

The owner or owners of any building upon which any fire escape may now be, or may hereafter be erected, shall keep the same in good repair and well painted.

Fire-escape incumbrances.

And no person shall at any time place any incumbrance of any kind whatsoever before or upon any fire-escape from any building in said city.

Notice to remove incumbrance from fire-escapes.

It shall be the duty of all firemen, policemen, and every officer of the bureau of inspection of buildings, who shall discover any fire-escape, balcony or ladder of any fire-escape incumbered in any way to forthwith verbally notify and require the occupant of the premises or apartment to which said fire-escape, balcony or ladder, is attached, or for whose use the same is provided, to remove such incumbrance and keep the same clear. If said notice shall not be complied with by the removal of such incumbrance, and keeping said fire-escape, balcony, or ladder free from incumbrance, then it shall be the duty of said policeman, fireman, or officer of the bureau of inspection of buildings, to apply to the nearest police magistrate for a warrant for the arrest of the occupant or occupants of the premises or apartments of which the fire-escape forms a part, and the said parties shall be brought before the said magistrate, as for a misdemeanor; and, upon conviction, the occupant or occupants of said premises or apartment shall be fined

Penalty for incumbering fire-escapes.

not more than ten dollars for each offense, or may be imprisoned not to exceed ten days, or both in the discretion of the court.

Hotels, and dwellings over 60 feet in height, to have fire-proof halls and stairs and both inclosed with brick walls.

Every building hereafter erected or altered to be occupied as a hotel, and every dwelling-house exceeding five stories in height hereafter erected or altered to be occupied by two or more families on any floor above the first, and every dwelling-house over sixty feet in height hereafter erected or altered to be occupied by more than one family, shall have the halls and stairs inclosed with twelve-inch brick walls. But eight-inch walls, not exceeding fifty feet in their vertical measurement may inclose said halls and stairs, and be used as bearing walls, where the distance between the outside bearing-walls does not exceed thirty-three feet and the area between said brick enclosure walls does not exceed one hundred and eighty superficial feet. The floors, stairs and ceilings in said halls and stairways shall be made wholly of iron, brick, stone or other hard incombustible materials, and at least one flight of such stairs in each of said buildings shall extend to the roof, and be inclosed in a bulk-head built of fire-proof materials.

Dwellings for two or more families to have outside entrance to cellar.

Every dwelling-house arranged for or occupied by two or more families above the first story hereafter erected, shall be provided with an entrance to the cellar thereof from the outside of such building.

Arrangements for theaters and public buildings already erected.

In all buildings of a public character already erected or hereafter to be built in said city, such as hotels, churches, theaters, restaurants, railroad depots, public halls, and other buildings used or intended to be used for purposes of public amusement or instruction, the halls, doors, stairways, seats, passage ways and aisles shall be arranged as the superintendent of buildings, with the concurrence of the board of fire commissioners, shall direct, to facilitate egress in cases of fire or accident, and to afford the requisite and proper accommodation for the public

protection in such cases. All aisles and passage ways in said building shall be kept free from camp stools, chairs, sofas and other obstructions, and no person shall be allowed to stand in or occupy any of said aisles or passage-ways, during any performance, service, exhibition, lecture, concert, ball, or any public assemblage. The superintendent of buildings, with the concurrence of the board of fire commissioners, may at any time serve a written or printed notice upon the owner, lessee or manager of any of said buildings, directing any act or thing to be done or provided in or about the said buildings, and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles, fire walls and fire-escapes, so as to afford such security to the public in the uses to which they may be severally applied, as they may deem necessary.

Limit of requirements for existing theaters.

Nothing herein contained shall be construed to authorize or require any other alterations to existing theaters than are specified in this section.

Theaters, etc.

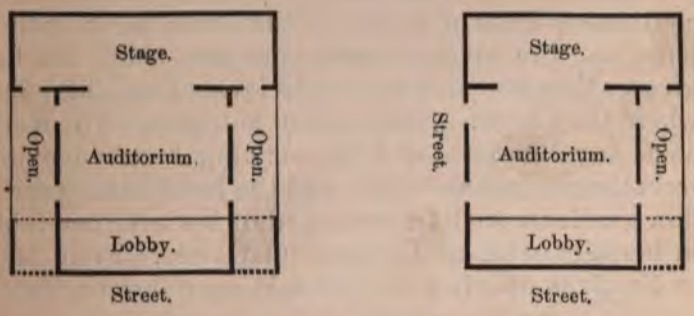
§ 500. (As amended by Section 27, Chapter 566, Laws of 1887.)—Every theater or opera house, or other building intended to be used for theatrical or operatic purposes, or for public entertainments of any kind where stage scenery and apparatus are employed, hereafter erected, or which may be altered to be used for such purposes, in the city of New York, shall be built or altered to comply with the following regulations relating to its structure,

Approval to be obtained before opening to the public.

And no buildings hereafter erected or which may be hereafter altered to be used for the aforesaid purposes shall be opened to the public, until the same has been approved of as conforming to the requirements of this section, by the superintendent of buildings and the fire commissioners, respectively, and the mayor of the city of New York shall refuse to license and shall close the same, and prevent its opening,

until a certificate is given by the said superintendent and fire commissioners, respectively, that the building conforms to the provision of this section. [Theaters.]

Every such building shall have at least one front on the public highway or street, and in such front there shall be suitable means of entrance and exit for the audience. In addition to the aforesaid entrances and exits on the public highway, there shall be reserved for service in case of an emergency, in every and all such buildings, an open space equal to one-eighth of the width of the building, outside to outside measurement, and in no case less than eight feet in width in the clear in its narrowest part, on the side not bordering on the street, where said building is located on a corner lot; and on both sides of said building where there is but one frontage on the street or public highway. Street frontage. Open side space.



[These engravings illustrate the location of open courts for theaters, as required by this law.]

Said open space shall begin on the line of the proscenium wall and shall extend the full length of the auditorium proper, to the wall separating the same from the entrance lobby or vestibule. A separate and distinct corridor shall continue to the street, from each open space, through such superstructure as may be built on the street side of the auditorium, said corridor to be reduced in width not more than Corridors to street.

[Theaters.]

Openings in corridors to street.

may be required for the thickness of the outer wall forming one of said corridor. The openings into and out of said corridor shall not be reduced in width more than three feet less than the width of said open space, said openings to be provided with doors or gates opening toward the street. The outer or street doors or gates shall not project beyond the street line when opened. Recesses not exceeding four inches in depth may be left in the walls on each side to receive said gates when opened. During the performance said doors or gates shall be kept open by strong locks; at other times they may be closed and fastened by movable bolts or locks.

Gates.

Side spaces and corridors to be kept clear from obstructions.

The said open spaces and corridors are not to be used for storage purposes, or for and any purpose whatsoever except for exits from the auditorium and stage, and must be kept free and clear during performances. The said corridors shall have continuous walls of brick on each side their entire length. The level of said corridors shall not be greater than one step above the level of the sidewalk where they begin at the street entrance. To overcome any difference of level existing between exits from the parquet and stage and the level of the corridor, gradients shall be employed of not over one foot in ten feet with no perpendicular rises. From the auditorium, opening into the said open spaces, there shall be two exits on each side (unless one side is on the street, in which case there may be more than two if desired) in each tier, from and including the parquet and each and every gallery. Each exit shall be at least five feet in width in the clear and provided with doors of iron or wood; if of wood, the doors shall be covered with iron or tin, both sides and edges. All of said doors shall open outward, and must be fastened with movable bolts, the bolts to be kept drawn during performances.

Gradients.

Exits, width of.

There shall be balconies not less than four feet in

width in the said open space or spaces at each level or tier above the parquet, on each side of the auditorium, of sufficient length to embrace the two exits, and from said balconies there shall be staircases extending to the ground level, with a rise of not over eight and one-half inches to a step and not less than nine inches tread. The staircase from the upper balcony to the next below must be not less than thirty inches in width in the clear, and from the first balcony to the ground not less than four feet in width in the clear. All the before mentioned balconies and staircases shall be constructed of iron throughout, including the floors, and of ample strength to sustain the load to be carried. Where one side of the building borders on a street, there shall be balconies of like capacity with staircases carried to the ground, all to be constructed of fire-proof materials approved by the superintendent of buildings.

Fire-escape balconies.

No portion of any building hereafter erected or altered, used or intended to be used for theatrical or other purposes, as in this section specified, shall be occupied or used as a hotel, boarding or lodging-house, factory, work-shop, or manufactory, or for storage purposes, except as may be hereafter specially provided for. Said restriction relates not only to that portion of the building which contains the auditorium and the stage, but applies also to the entire structure in conjunction therewith.

Use of theater buildings for other purposes prohibited.

No workshop, storage or general property room shall be allowed above the auditorium or stage, or under the same, or in any of the fly galleries. All of said rooms or shops may be located in the rear or at the side of the stage, but in such cases they shall be separated from the stage by a brick wall, and the openings leading into said portions shall have wrought-iron doors on each side of the openings, hung to iron eyes built into the wall.

Workshops, storage and property rooms, location for.

[Theaters.]

Extra hazardous business prohibited in theater buildings.

No store or room contained in the building shall be let or used for carrying on any business dealing in articles designated by insurance companies as hazardous or extra-hazardous materials.

Janitor's quarters.

No lodging accommodations, except for the janitor, shall be allowed in any part of the building communicating with the auditorium.

Exterior walls.

The exterior walls of all said buildings shall be built of stone or brick, and any facade or front constructed of iron shall be filled in with brick of such thickness as to make the brick-work, independent of the facing, conform as to thickness with the requirements of this title.

Interior walls.

Interior walls built of brick or stone shall separate the auditorium from the stage, from the entrance vestibule, and from any room or rooms over the same, also from any lobbies, corridors, refreshment or other rooms.

Inclosure of staircases.

All staircases shall be inclosed with walls of brick or fire-proof materials, approved by the superintendent of buildings, in the stories through which they pass, and the openings of said staircases from each tier shall be the full width of said staircases.

Proscenium wall.

A fire-wall to be made of brick, shall separate the auditorium from the stage, and the same shall extend at least four feet above the roof, and shall be coped. Above the proscenium opening there shall be an arch of fire-proof materials, or an iron girder covered with fire-proof materials to protect it from the heat. If a girder be used, there shall also be constructed a relieving arch over the same, the intervening space being filled in with hollow bricks of the full thickness of the wall.

Orchestra, when placed above the stage.

Should there be constructed an orchestra over the stage, above the proscenium opening, the said orchestra shall be placed on the auditorium side of the proscenium fire-wall, and shall be entered only from the auditorium side of said wall.

Proscenium frame.

The moulded frame around the proscenium opening shall be formed in metal, plaster, terra cotta, stone or cement. If metal be used the metal shall be filled in solid with non-combustible material and securely anchored to the wall with iron.

Shafts and skylights over stage.

A shaft or shafts shall be provided over the stage, to and out of the roof, made of fire-proof materials throughout, and of an area or combined area of at least one-eighth of said stage, fitted up with skylights having sliding sash and glazed with double thick sheet glass, not exceeding one eighth of an inch thick, and each pane measuring not less than three hundred square inches, and the whole of which skylights shall be so constructed as to open instantly on the cutting or burning of a hempen cord which shall be arranged to hold said skylights closed, or some other equally simple approved device for opening them may be provided.

Fire-proof doors for door openings in proscenium wall.

All doorways or openings through the proscenium wall, in every tier, shall have wrought iron or heavy wood doors on each face of the wall, (if the doors are of wood, then to be covered with iron or tin on both sides and on the edges), which can be opened from either side at all times; but there shall be no openings in the proscenium fire-wall above the level of the auditorium ceiling. Direct access to these doors shall be provided on both sides, and the same shall always be kept free from any incumbrance.

Ladders.

Wrought-iron ladders, securely fixed to the wall on the stage side, shall be provided to overcome any difference of level existing between the floor or galleries on the stage side of the fire-wall and those on the side of the auditorium.

Fire-proof floors.

The entire main floor of the auditorium and vestibule, also the entire floor of the second story of the front superstructure over the entrance lobby and corridors, shall be fire-proof.

[Theaters.]

Partitions in auditorium.

And the partitions in that portion of the building which contains the auditorium, the entrance vestibule or any room or passage devoted to the use of the audience, shall be constructed of fire-proof materials,

Wood sheathing and canvas prohibited.

And none of the walls or ceilings shall be covered with wood sheathing or canvas;

Wainscoting.

But this shall not exclude the use of wood wainscoting to a height not to exceed six feet, which shall be filled in solid between the wainscoting and the wall with fire-proof materials.

Dressing-room partitions.

The walls separating the actors' dressing-rooms from the stage, and the partitions dividing the dressing-rooms, together with the partitions of any passage from the same to the stage, and all other partitions on or about the stage shall be constructed of some fire-proof material approved by the superintendent of buildings. All doors in any of said partitions shall

Fire-proof doors for partition openings.

be constructed of wood covered with iron or tin on both sides and edges, including the frame to which the doors are hung.

Fire-proof cupboards and shelving.

All the shelving and cupboards in each and every dressing-room, property-room or other storage-rooms shall be constructed of metal, slate, or some fire-proof material.

Stage floor.

All that portion of the stage not comprised in the working of scenery, traps and other mechanical apparatus for the presentation of a scene, usually equal to the width of the proscenium opening, shall be built of iron beams filled in between with fire-proof material, and all girders for the support of said beams shall be of wrought-iron.

Gallery ceilings covered.

The ceiling or under side of the fly galleries shall be covered with iron or tin over the entire exposed woodwork.

Stage scenery.

All stage scenery, curtains and decorations made of combustible material, and all woodwork on or about the stage, shall be saturated with some non-combustible material, or otherwise rendered safe

against fire, to the satisfaction of the board of fire commissioners. [Theaters.]

Proscenium curtain.

The proscenium curtain shall be placed at least three feet distant from the foot-lights at the nearest point. The proscenium opening shall be provided with a fire-proof metal curtain or a curtain of asbestos or similar fire-proof material; and if of metal it may be made with an iron frame, well braced, in sections, and sliding at each end within iron grooves securely fastened to the brick wall, and each section to be filled in with iron wire mesh-work, the meshes being not over one inch, and the wire being not less than number fourteen, American gauge; or some other approved construction of sliding or rolling metal curtain may be used. Said fire-proof curtain shall be raised at the commencement of each performance, and lowered at the close of said performance, and be operated by approved machinery for that purpose.

Seats in auditorium.

All seats in the auditorium, excepting those contained in the boxes, shall be firmly secured to the floor, and no seat in the auditorium shall have more than six seats intervening between it and an aisle, and no stools or seats shall be placed in any aisle.

Aisles in auditorium.

All aisles in the auditorium shall have a width of at least twenty-two inches for every one hundred persons or part thereof, and no aisle shall be less than three feet wide at its narrowest part, and the same shall be increased in width towards the exit, at least one inch for every five running feet or part thereof.

Door openings, width of.

Every doorway of communication between aisles in the auditorium, and any lobby, corridor or passage shall have a clear opening of not less than the full width of the aisle leading to such doorway.

Capacity of lobbies and standing room.

The aggregate capacity of the lobbies, corridors, passages and rooms for the use of the audience must, on each floor or gallery, be sufficient to contain the entire number to be accommodated on said floor or gallery, in the ratio of two hundred and fifty super

[Theaters.] ficial feet of floor room for every one hundred persons.

Inclined planes in aisles. Gradients or inclined plan[e]s, as heretofore described, shall be employed instead of steps where possible, to overcome slight differences of level in or between aisles and passages.

Hand-rails. All inclosed passages, corridors and staircases shall have, on both sides, strong hand-rails, firmly secured in the wall about three inches distant therefrom, and about three feet above the floor or stairs.

Width for passage-ways. No passage leading to any stairway communicating with any entrance or exit shall be less than four feet in width in any part thereof.

Exits, number proportioned to capacity of house. Every theatre accommodating three hundred persons shall have two exits at least; when accommodating five hundred persons, at least three exits shall be provided, and no doorway or exit or entrance for the use of the public shall be less than five feet in width, and for every additional one hundred persons or portions thereof to be accommodated, in excess of five hundred, twenty inches additional exit width must be allowed.

Exit doors. All doors of exit or entrance shall open outward, and no such doors shall be closed and locked during any representation, or when the building is open to the public.

Gallery exits and entrances. Distinct and separate places of exit and entrance shall be provided for each gallery above the first.

Main floor and first gallery may have common place of exit and entrance. A common place of exit and entrance may serve for the main floor of the auditorium and the first gallery, provided its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery.

Stairways, if straight. All stairs shall be constructed of fire-proof material throughout. Stairways serving for the exit of fifty people must, if straight, be at least four feet wide, between rails, and if curved or winding, five feet wide, and for every additional fifty people to be accommodated, six inches must be added to their

width. In no case shall the risers of any stairs exceed seven and a half inches in height, nor shall the treads be less than eleven inches wide in straight stairs. In circular or winding stairs the width of the tread at the narrowest end shall not be less than seven inches. At least two independent staircases, with direct exterior outlets, shall be provided for each gallery in the auditorium, and the same shall be located on opposite sides of said gallery. At least two independent staircases, with direct exterior outlets, shall also be provided for the service of the stage, and shall be located on the opposite sides of the same. All stairways leading to the upper galleries of the auditorium shall be inclosed between walls of masonry on both sides. Stairs leading to the first or lower gallery may be left open on one side, in which case they must be constructed, as herein provided for in similar stairs leading from the entrance hall to the main floor of the auditorium. But in no case shall stairs leading to any gallery be left open on both sides. When straight stairs turn directly on themselves, a landing of the full width of both flights, without any steps, must be provided. Stairs turning at an angle must have a proper landing at said turn introduced without winders. In stairs, when two side flights connect with one main flight, no winders shall be introduced, and the width of the main flight shall at least be equal to the aggregate width of the side flights. Circular or winding stairs shall have proper landings introduced at convenient distances.

[Theaters.]

Stairways, if circular.

Stairs for the stage.

Gallery stairs.

Stairs, landings and steps.

Any steam boiler which may be required for heating or other purposes shall be located outside of the building, and the space allotted to the same shall be inclosed by walls of masonry on all sides, and the ceiling shall be constructed of fire-proof material. All doorways in said walls shall have wrought-iron doors.

Steam boilers

[Theaters.]

Stand-pipes.

Stand-pipes shall be provided with hose attachments on every floor and gallery, as follows, namely: One on each side of the auditorium in each tier; also one on each side of the stage in each tier, and at least one in the property-room and one in the carpenter's shop, if the same be contiguous to the theater, and all kept clear from obstruction. Said stand-pipes shall be kept constantly filled with water by means of an automatic steam pump or pumps, of sufficient capacity to supply all the lines of hose when operated simultaneously; and said pump or pumps shall be ready for immediate use at any time during a performance in said buildings. Said stand-pipes shall also connect with a separate and distinct system of automatic

Sprinklers.

sprinklers with fusible plugs; approved by the commissioners of the fire department; said sprinklers to be placed up and around the proscenium opening and on the ceiling or roof over the stage at such intervals as will protect every square foot of stage surface when said sprinklers are in operation. A proper and

Hose.

sufficient amount of hose, not less than fifty feet, shall be kept always attached to each hose attachment.

Portable extinguishers.

There shall also be kept in readiness for immediate use on the stage, buckets of water, hand pumps or other portable fire extinguishing apparatus, and at least four axes on each tier or floor.

Lights for rooms and passages.

Every portion of the building devoted to the uses or accommodation of the public, also all outlets leading to the highway, shall be well and properly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises. All gas or ele[c]tric lights in the halls, corridors, lobby or any other part of said buildings used by the audience, except the auditorium, must be controlled by a separate shut-off, located in the lobby, and con-

Gas cocks and electric light shut-offs.

trolled only at that particular place. Gas mains supplying any theater shall have independent connections for the auditorium and the stage, and provision

shall be made for shutting off the gas from the outside. When interior gas-lights are not lighted by electricity, other suitable appliances, to be approved by the fire commissioners, shall be provided. All suspended or bracket lights surrounded by glass, in the auditorium, or in any part of the building devoted to the public, shall be provided with proper wire netting underneath. All lights in passages and corridors in said buildings, and wherever deemed necessary by the commissioners of the fire department, shall be protected with proper wire net-work. The foot-lights, in addition to the wire net-work, shall be protected by a strong wire guard, not less than two feet distant. All border lights shall be constructed according to the best known methods, and subject to the approval of the commissioners of the fire department. All ducts or shafts used for conducting heated air from the main chandelier, and from any other light or lights, shall be constructed of metal and made double, with an air space between. All stage lights shall have strong metal wire guards or screens so constructed that any material in contact therewith shall be out of reach of the flames.

[Theaters.]

Gas lights to be protected.

Foot-lights.

Border lights.

Shaft over main chandelier.

Stage lights.

In some conspicuous place on every gallery or floor, the regulations for the protection of the public against fire or other accidents shall be posted, together with a diagram or plan of said gallery or floor, showing distinctly the exits therefrom, and every exit shall have over the same, on the inside, the word "EXIT" painted in legible letters not less than eight inches high.

Diagram of theatre.

The stand-pipes, gas-pipes, hose, foot-lights and all apparatus for the extinguishing of fire or guarding against the same, as in this section specified, shall be in charge of the fire department, and the commissioners of said department are hereby directed to see that the arrangements in respect thereto are carried out and enforced.

Fire department to have control of gas and water apparatus.

Plumbing, drainage.

§ 501. (Chapter 410, Laws of 1882.)—The drainage and plumbing of all buildings, both public and private, hereafter erected in the city of New York shall be executed in accordance with plans previously approved in writing by the board of health. Suitable drawings and descriptions of the said plumbing and drainage shall in each case be submitted and placed on file in the health department. The said board of health is also authorized to receive and place on file drawings and descriptions of the plumbing and drainage of buildings erected prior to the passage of this act. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

Board of health to receive plans for plumbing and drainage.

When persons are buried in ruins.

§ 502. (Repealed by Section 43, Chapter 566, Laws of 1885, and restored and amended by Section 28, Chapter 566, Laws of 1887.)—Hereafter, in case of the falling of any building or part of any building in the city of New York, if persons are known or believed to be buried under the ruins thereof, it shall be the duty of the fire department to cause an examination of the premises to be made for the recovery of the bodies of the killed and injured, and for that purpose said department shall employ laborers and materials, as may be necessary, to perform said work as speedily as possible, and the comptroller of the city of New York is authorized and directed to provide the funds to prosecute said work until completed. And for the purpose of providing the money for said work, the board of estimate and apportionment are hereby authorized to transfer to the order of the comptroller such sums as may be necessary, from any unexpended or excessive appropriation of the then current, or of any previous year, or to issue revenue bonds payable out of the taxes of the next ensuing year.

City of New York to pay expenses of recovering bodies from fire ruins.

Plans and statements to be submitted.

§ 503. (As amended by Section 29, Chapter 566, Laws of 1887.)—Before the erection, construction or alteration of any building or part of any building in the city of New

York is commenced, the owner or his agent or architect shall submit to the superintendent of buildings a detailed statement in writing of the specifications, and a full and complete copy of the plans of such proposed work, which shall be accompanied with a statement in writing sworn to before a notary public or commissioner of deeds, giving the full name and residence (street and number) of the owner, or each of the owners of said building, or proposed building.

Sworn detailed statement, giving full name and residence of owner of building.

If such erection, construction or alteration is proposed to be made by any other person than the owner or owners of the land in fee the person or persons intending to make such erection or alteration shall accompany said detailed statement of the specifications and copy of the plans, with a statement in writing, sworn to as aforesaid, giving the full name and residence (street and number) of the owner or owners of the land, and also of every person interested in said building, or proposed building, either as owner, lessee or in any representative capacity. Such statement may be made by the agent or architect of the person or persons hereinbefore required to make the same.

Full name and residence of owner of land to be given.

Statement may be made by architect or agent for owner.

Said sworn statement and detailed statement, and copy of the plans shall be kept on file in the office of the superintendent of buildings, and the erection, construction or alteration of said building, or any part thereof, shall not be commenced or proceeded with, until said statements and plans shall have been so filed, and approved by the superintendent of buildings.

Building not to be proceeded with until statements and plans have been approved.

But the superintendent may, in his discretion, and for reasons to be stated in writing by the applicant, and filed with the plans and detailed statements, dispense with the making of said sworn statement in any case.

Statement may be dispensed with.

Nothing in this section shall be construed to prevent the superintendent of buildings from grant-

Approval for a portion of the plans.

ing his approval for the erection of any part of a building where plans and detailed statements have been presented for the same before the entire plans and detailed statements of said building have been submitted.

False swearing.

Any false swearing in a material point in any statement submitted in pursuance of the provisions of this section shall be deemed perjury, and shall be punished as such.

Ordinary repairs.

Ordinary repairs may be made without notice to the fire department, but such repairs shall not be construed to include the cutting away of any stone or brick wall, or any portion thereof, the removal or cutting of any beams or supports, or the removal, change or closing of any staircase.

Sup't to pass upon construction and materials.

§ 504. (As amended by Section 31, Chapter 456, Laws of 1885.)—The superintendent of buildings shall have full power (except as herein otherwise provided for) in passing upon any question relative to the mode, manner of construction, or materials to be used in the erection or alteration of any building or other structure provided for in this title, in any part of the city of New York, to make the same to conform to the true intent and meaning of the several provisions hereof.

Sup't has power to modify law in alteration cases.

He shall also have power to vary or modify the provisions of this title, upon application therefor in writing, only in cases of alteration of old buildings, or the use of party walls belonging to different owners, where the same cannot be taken down, and where there are practical difficulties in the way of carrying out the strict letter of this law, so that the spirit of the law is observed, the public safety secured, and substantial justice done; but no such deviation shall be permitted except a record of the same shall be kept by the said superintendent of buildings, and a certificate be first issued to the party applying for the same; such certificate shall not be issued until a

No deviation without a certificate.

board of examiners consisting of a member of the New York chapter of the American Institute of Architects, one member of the New York Board of Underwriters, two members of the Mechanics and Traders' Exchange of said city, one member of the Society of Architectural Iron Manufacturers of said city, and one member of the Real Estate Owners and Builders' Association of said city, who shall be an architect or builder, all of whom shall be appointed by their respective organizations (and so certified to annually to said superintendent of buildings) shall also approve the proposed modifications of the law.

Certificate not to be issued without approval of board of examiners.

Board of examiners, how constituted.

The said examiners shall each take the usual oath of office before entering upon the performance of the duties. The superintendent shall be ex-officio a member of said board and be chairman thereof. No vote of concurrence shall be passed by said board unless the same shall receive four affirmative votes.

Examiners to take oath of office.

In cases in which it is claimed by an owner, in person or by his representative, that the provisions of this title do not directly apply, or that an equally good and more desirable form of construction can be employed in any specific case than that required by this title, then such person shall have the right to present a petition to the board of examiners, and may appear before said board and be heard; and said board shall consider such petition in its regular order of business, and as soon as practicable render a decision thereon. The said board of examiners are hereby authorized and empowered to grant or reject such petition, and their decision shall be final. If such decision is favorable to said petitioner a certificate shall be issued by the superintendent of buildings in accordance therewith.

Where the law does not apply.

Petition may be made to board.

Powers of board.

No member of said board shall pass upon any question in which he is pecuniarily interested. The said board shall meet once in each week upon notice from the superintendent of buildings. The chief

When board shall meet.

clerk in the office of the superintendent of buildings shall be clerk of said board, and shall keep a record of its proceedings, which shall be kept in the office of the superintendent of buildings. The members of said board, excepting the superintendent, shall each be entitled to and shall receive ten dollars for each attendance of a meeting of said board, to be paid by the comptroller from the contingent fund upon the voucher of the superintendent of buildings, certified to by the board of fire commissioners.

Pay of examiners.

Permits for pier sheds.

No permit for the erection of any building on the wharves, piers or bulk-heads shall be granted unless the same be also approved by the board of examiners.

§ 505. (As amended by Section 30, Chapter 566, Laws of 1887.)—The owner or owners of any building or part thereof upon which any violation of this title may be placed or shall exist, and any architect, builder, carpenter or mason who may be employed or assist in the commission of any such violation, and any and all persons who shall violate any of the provisions of this title, or fail to comply therewith, or any requirement thereof, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or of any certificate of permit issued thereunder, shall severally, for each and every such violation and non-compliance, respectively, forfeit and pay a penalty in the sum of fifty dollars.

Penalties for violations of Building laws.

Persons liable.

But if said violation shall be removed, or be in process of removal, within ten days after the service of a notice as hereinafter prescribed, the liability for said penalty shall cease, and said department shall discontinue any action pending to recover the same, upon such removal, or the completion thereof within a reasonable time.

When penalty for violation shall cease.

Any and all of the aforementioned persons who, having been served with a notice, as hereinafter prescribed, to remove any violation, or comply with any requirement of this title, shall fail to comply with said notice within ten days after such service, shall become liable to pay an additional penalty of fifty dollars.

Additional penalty if violation notice is not complied with in ten days.

For the recovery of said penalty or penalties, an action may be brought in any court of civil jurisdiction in said city; and whenever any judgment shall be rendered therefor, the same shall be collected and enforced as prescribed and directed by the Code of Civil Procedure of the State of New York.

Penalties, how collected.

The fire department is hereby authorized in its discretion, good and sufficient cause being shown therefor, to remit any fine or fines, penalty or penalties, which any person or persons may have incurred, or may hereafter incur, under any of the provisions of this title; but no fine or penalty shall be remitted for any such violation until the violation shall have been removed.

Fines, etc., may be remitted.

§ 506. (As amended by Section 31, Chapter 566, Laws of 1887.)—All courts of civil jurisdiction in the city of New York shall have cognizance of and jurisdiction over all suits and proceedings by this title authorized to be brought for the recovery of any penalty and the enforcement of any of the several provisions of this title, and shall give preference to such suits and proceedings over all others, and no court shall lose jurisdiction of any action by reason of a plea that title to real estate is involved, provided the object of the action is to recover a penalty for the violation of any of the provisions of this title.

Jurisdiction of courts.

Any court of record in said city, or any judge or justice thereof, shall have power, at any time after the service of notice of the violation of any of the provisions of this title, and upon the affidavit of the

Courts may restrain by injunction further progress of any violation of

Building law.

superintendent of buildings, to restrain by injunction order, the further progress of any violation named in this title, and no undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof.

All courts in which any such suit, suits or proceedings are instituted shall, upon the rendition of a verdict, report of a referee or decision of a judge or justice, for any penalty or penalties, render judgment for the amount of such penalty or penalties, and costs; and the said judgment so rendered, shall be and become a lien upon the premises named in the complaint in any such action, to date from the time of the filing in the county clerk's office in the city of New York, of a notice of lis pendens therein; which lien may be enforced against said property in every respect, notwithstanding the same may be transferred subsequent to the filing of the said notice.

Judgment becomes a lien upon premises.

Said notice of lis pendens shall consist of a copy of the notice issued by the superintendent of buildings requiring the removal of the violation, and a notice of the suit or proceedings instituted thereon. Any notice of lis pendens filed pursuant to the provision of this title, may be vacated and canceled of record, upon an order of a judge or justice of the court in which such suit or proceedings was instituted or is pending.

Notice of lis pendens.

In no case shall the said fire department, or any officer thereof, or the corporation of the city of New York, or any defendant, be liable for costs in any action, suit or proceeding that may have been or may hereafter be instituted or commenced by said department in pursuance of this title.

No liability for costs, by fire dep't, or officers thereof, or city.

§ 507. (As amended by Section 32, Chapter 566, Laws of 1887.)—All notices of the violation of any of the provisions of this title, and all notices directing anything to be done, required by this title, and all other notices that may be required or authorized to be issued there-

Notice of violation, by whom served.

under, including notice that any building, structure, premises, or any part thereof, are deemed unsafe or dangerous, shall be issued by the superintendent of buildings, and shall have his name affixed thereto, and may be served by any officer or employe of the fire department, or by any person authorized by the said department.

Notice of violation, how served.

All such notices, and any notice or order issued by any court in any proceeding instituted by the attorney to said department to restrain or remove any violation, or to enforce compliance with any provision or requirement of this title, may be served by delivering to and leaving a copy of the same, with any person or persons violating, or who may be liable under any of the several provisions of this title, or to whom the same may be addressed, and if such person or persons cannot be found after diligent search shall have been made for him or them, then such notice or order may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist, or to which such notice or order may refer, or which may be deemed unsafe or dangerous, which shall be equivalent to a personal service of said notice or order upon all parties for whom such search shall have been made.

Notice may be posted.

Notice of violation to contain description of building or premises.

Such notice or order shall contain a description of the building, premises or property upon which such violation shall have been put or may exist, or which may be deemed unsafe or dangerous, or to which such notice or order may refer.

Notice by mail to owners residing outside of State of New York.

If the person or persons or any of them, to whom said notice or order is addressed, do not reside in the State of New York, and have no known place of business therein, the same may be served by delivering to and leaving with, such person or persons, or either of them, a copy of said notice or order, or if said person or persons cannot be found within said State

after diligent search, then by posting a copy of the same in manner as aforesaid and depositing a copy thereof in the post office at the city of New York, inclosed in a sealed wrapper addressed to said person or persons at his or their last known place of residence, with the posting paid thereon; and said posting and mailing of a copy of said notice or order shall be equivalent to personal service of said notice or order.

[§ 508. Repealed by Section 40, Chapter 566, Laws of 1887.]

Unsafe buildings.

§ 509. (As amended by Section 33, Chapter 566, Laws of 1887.)—Any building or buildings, part or parts of a building, staging or other structure in the city of New York, that from any cause may now be, or shall at any time hereafter become dangerous or unsafe, may be taken down and removed, or made safe and secure, in the manner following: Immediately upon such unsafe or dangerous building or buildings, or part or parts of a building, staging or structure being so reported by any of the officers of said fire department, the same shall be immediately entered upon a docket of unsafe buildings, to be kept by said superintendent; and the owner, or some one of the owners, executors, administrators, agents, lessees, or any other person or persons who may have a vested or contingent interest in the same, may be served with a printed or written notice containing a description of the premises or structure deemed unsafe or dangerous, requiring the same to be made safe and secure, or removed, as the same may be deemed necessary by the said superintendent, which said notice shall require the person or persons thus served to immediately certify to the superintendent of buildings his or their assent or refusal to secure or remove the same.

Notice of requirement.

§ 510. (As amended by Section 34, Chapter 566, Laws of 1887.)— If the person or persons so served with notice shall immediately certify his or their assent to the securing or removal of said unsafe or dangerous building, premises or structure, he or they shall be allowed until one o'clock P. M., of the day following the service of such notice, in which to commence the securing or removal of the same; and he or they shall employ sufficient labor and assistance to secure or remove the same as expeditiously as the same can be done; but upon his or their refusal or neglect to comply with any of the requirements of said notice so served, a further notice shall be served upon the person or persons heretofore named, and in the manner heretofore prescribed, notifying him or them that a survey of the premises named in the said notice will be made at the time and place therein named, which time may not be less than twenty-four hours nor more than three days from the time of the service of the said notice, by three competent persons, each of whom shall be a practical builder or architect, and one of whom shall be the superintendent of buildings, or an inspector duly authorized by him or the deputy superintendent of buildings, another of whom shall be an architect, appointed by the New York Chapter of the American Institute of Architects, another of whom shall be appointed by the person or persons thus notified, upon whose neglect or refusal to appoint such surveyor, however, the said other two surveyors may make such survey; and in case of a disagreement of the latter they shall appoint a third person to take part in such survey, who shall also be a practical builder or architect, and the decision of the said surveyor shall be final; and that in case the said premises shall be reported unsafe or dangerous under such survey, the said report will be placed before a court therein named, having jurisdiction to the extent of one thousand dollars, and

Time allowed to make premises safe.

Survey.

Surveyors, how appointed.

In case of disagreement, a third surveyor to be appointed.

that a trial upon the allegations and statements contained in said report, be the report of the said surveyors more or less than is contained in the said notice of survey, will be had before said court, at a time and place therein named, to determine whether said unsafe or dangerous building or premises shall be repaired and secured or taken down and removed; and a report of such survey, reduced to writing, shall constitute the issue to be placed before the court for trial.

Issue for trial.

Posting of surveyor's report.

A copy of said report of survey shall be posted on the building by the persons holding the survey, immediately on their signing the same.

Pay of architect on survey.

The architect appointed by the New York Chapter of the American Institute of Architects, who may act on any survey called in accordance with the provisions of this title, shall be entitled to, and receive the sum of twenty-five dollars, to be paid on vouchers in the same manner as the fees of the board of examiners are now paid, as in this title specified,

Cause of action to be brought in the name of fire department.

And a cause of action is hereby created for the benefit of the mayor, aldermen and commonalty of the city of New York, against the owner or owners of said building, staging or structure, and of the lot or parcel of land on which the same is situated, for the amount so paid with interest, which shall be prosecuted in the name of the fire department of the city of New York, by the attorney to said department. The amount so collected shall be paid over to the comptroller in reimbursement of the amounts paid by him as aforesaid.

Report of surveyors to be placed before court.

§ 511. (As amended by Section 35, Chapter 566, Laws of 1887.)—Whenever the report of any such survey, had as aforesaid, shall recite that the building, premises or structure thus surveyed is unsafe or dangerous, the attorney of the fire department of the city of New York shall at the time in the said notice named,

place said notice and report before the judge or justice holding the chambers of the court in the said notice named, which said judge or justice shall immediately proceed to obtain and impanel a jury, and to the trial of said issue before said jury, whose verdict shall be exclusive and final, and shall try said issue without adjournment, except as may be necessary from day to day, giving precedence to the trial of this issue over every other business, and said judge or justice shall have power to impanel a jury, for that purpose, from any jurors in attendance upon said court, or in case sufficient jurors shall not be in attendance, then from any jurors that may be summoned for that purpose; and said judge or justice shall have power to summon jurors for that purpose; and any such suit or proceeding commenced before a judge or justice may be continued before another judge or justice of the same court; a jury trial may be waived by the default of the defendant or defendants to appear at the time and place named in the said notice, or by agreement, and in such case the trial may be by court, judge, justice, or referee, whose report or decision in the matter shall be final;

Trial of issue.

Jurors.

And upon the rendition of a verdict or decision of the court, judge, justice or referee, if the said verdict or decision shall find the said building, premises or structure to be unsafe or dangerous, the judge or justice trying said cause, or to whom the report of the referee trying said cause shall be presented, shall immediately issue a precept out of said court, directed to the superintendent of buildings, reciting said verdict or decision, and commanding him forthwith to repair and secure or take down and remove, as the case may be, in accordance with said verdict or decision, said unsafe or dangerous building, buildings, part or parts thereof, staging, structure or other premises that shall have been named in the said report;

Verdict.

Precept.

Execution of precept.

And said superintendent shall immediately thereupon proceed to execute said precept as therein directed, and may employ such labor and assistance and furnish such materials as may be necessary for that purpose, and after having done so, said superintendent shall make return of said precept, with an endorsement of his action thereunder and the costs and expenses thereby incurred, to the judge or justice then holding the chambers of the said court, and thereupon said judge or justice shall tax and adjust the amount indorsed upon said precept, and shall adjust and allow disbursements of said proceeding, together with the preliminary expenses of searches and surveys, which shall be inserted in the judgment in said action or proceeding, and shall render judgment for such amount, and for the sale of the said premises in the said notice named, together with all the right, title and interest that the person or persons, or either of them, named in the said notice had in the lot, ground or land upon which the said building or structure was placed, at the time of the filing of a notice of lis pendens in the said proceedings, or at the time of the entry of judgment therein to satisfy the same, which shall be in the same manner and with like effect as sales under judgment in foreclosure of mortgages;

Costs.

Judgment.

Lis pendens.

Sale of premises.

Requisition upon comptroller to meet expenses of suits.

And in and about all preliminary proceedings, as well as the carrying into effect any order of the court or any precept issued by any court, said board of fire commissioners may make requisition upon the comptroller of the city and county of New York for such amount or amounts of money as shall be necessary to meet the expenses thereof; and upon the same being approved by any judge or justice of the court from which the said order or precept was issued and presented to said comptroller, he shall pay the same, and for that purpose shall borrow and raise, upon a revenue bond, to be issued in the name of the mayor,

aldermen and commonalty of the said city, the several amounts that may from time to time be required, or the board of estimate and apportionment may transfer to the order of the comptroller, for this purpose, such amounts as may be necessary, from any unexpended or excessive appropriation of the current, or any previous year, which shall be reimbursed by the payment of the amount and interest at six per cent., out of the judgment or judgments obtained as aforesaid, if the same shall be collected.

If issue is not tried at time named.

In case said issue shall not be tried at the time specified in said notice, or to which the trial may be adjourned, the same may be brought to trial at any time thereafter by said fire department, without a new survey, upon not less than three days' notice of trial to the person or persons upon whom the original notice was served, or to his or their attorney, which notice of trial may be served in the same manner as said original notice.

Notice of lis pendens.

The notice of lis pendens provided for in this section shall consist of a copy of said notice of survey, and shall be filed in the office of the clerk of the city and county of New York.

Owner allowed to execute precept.

§ 512. (As amended by Section 38, Chapter 456, Laws of 1885.)— Provided, nevertheless, that immediately upon the issuing of said precept, the owner or owners of said building or premises, or any party interested therein, upon application to said superintendent of buildings, shall be allowed to perform the requirements of said precept at his or their own proper cost and expense, provided the same shall be done immediately and in accordance with the requirements of said precept, upon the payment of all costs and expenses incurred up to that time.

Proceedings in case notice is not complied with.

§ 513. (As amended by Section 36, Chapter 566, Laws of 1887.)— In case any notice or direction authorized to be issued by this title is not complied with within ten

days after the service thereof the fire department of the city of New York may in its discretion, apply to the supreme court for the city and county of New York, at a special term thereof, at chambers, for an order directing the fire department to proceed to make the alterations or remove the violation or violations, as the same may be specified in said notice or direction.

When notice requiring fire-escapes is not complied with, order of court may be obtained to vacate building.

Whenever any notice requiring fire-escapes, or means of egress in case of fire, to be placed in or upon any building, shall have been served as directed in this title, and the same shall not have been complied with within ten days after service thereof, the fire department of the city of New York may, in its discretion, in addition to, or in lieu of the remedy last above provided, apply to the supreme court of the city and county of New York, at a special term at chambers, for an order directing the fire department to vacate such building or premises, or so much thereof as said department may deem necessary, and prohibiting the same to be used or occupied for any purpose specified in said order until such notice shall have been complied with.

Expenses, etc., in carrying out order of court to be a lien upon premises.

The expenses and disbursements incurred in the carrying out of any said order or orders, shall become a lien upon said building or premises named in the said notice from the time of filing of a copy of the said notice, with a notice of the proceedings taken thereunder, in the office of the clerk of the city and county of New York; and the said supreme court, or a judge or justice thereof, to whom application shall be made, is hereby authorized and directed to grant any of the orders above named, and to take such proceedings as shall be necessary to make the same effectual, and any said judge or justice to whom application shall be made is hereby authorized and directed to enforce such lien in accordance with the mechanics' lien law of the city of New York;

Judge's authority to enforce lien.

Duty of person upon whom service of notice may be made.

And in case either of the notices hereinbefore mentioned shall be served upon any lessee or party in possession of the building or premises therein described, it shall be the duty of the person upon whom such service is made to give immediate notice to the owner or agent of said building named in the notice, if the same shall be known to the said person personally, if such person shall be within the limits of the city of New York, and his residence known to such person, and if not within said city, then by depositing a copy of said notice in the New York post-office, properly inclosed and addressed to such owner or agent, at his then place of residence, if known, and by paying the postage thereon ;

Notice by mail.

Liability of a lessee or person in possession.

And in case any lessee or party in possession shall neglect or refuse to give such notice as herein provided, he shall be personally liable to the owner or owners of said building or premises for all damages he or they shall sustain by reason thereof.

§ 514. (As amended by Section 37, Chapter 566, Laws of 1887.)—

Fire dep't to enforce this building law.

The fire department of the city of New York shall be and is hereby charged with the enforcement of the provisions of this title, through the bureau of inspection of buildings, and shall appoint all the officers thereof namely : A superintendent of buildings, two deputies, to be designated respectively, the first and second deputy superintendents of buildings, inspectors of buildings, clerks, messengers and assistants.

Superintendent, and deputy superintendents, qualifications of.

The chief officer of said bureau shall be the superintendent of buildings, and he and the deputy superintendents of buildings shall each be a competent architect or builder of at least ten years' practice.

Inspectors, and their qualifications.

The inspectors shall be competent men, either architects, civil engineers, masons, carpenters or iron-workers, who shall have served at least ten years as such. They shall be men of good character, capable of writing a fair hand, and be able to make out with

clearness their reports, and no person shall serve as or be appointed to office as an inspector of buildings in said bureau who is deficient in these qualifications, and before their appointment to office they shall pass an examination before the board of examiners, named in this title, who shall sign a certificate as to their competency to perform all the duties of said office.

Officers prohibited from carrying on any other business.

It shall not be lawful for any officer or employe in said bureau to be engaged in conducting or carrying on business as an architect, civil engineer, carpenter, iron-worker, mason or builder in the city of New York while holding office in said bureau.

Superintendent may designate one of the deputies or an inspector to act on surveys.

The superintendent of buildings shall be authorized to designate in writing one of the deputy superintendents of buildings or any of the inspectors to act on any survey authorized by this title, or perform such other duties as the said superintendent may direct.

Deputy superintendent, when to act as superintendent.

The deputy superintendent of buildings to be designated by the superintendent, shall act as superintendent of buildings in case of the absence of the superintendent from his office, and shall, while so acting, possess all the powers in this title vested in or imposed upon the superintendent of buildings.

Attorney of fire dep't to conduct legal proceedings.

§ 515. (As amended by Section 38, Chapter 566, Laws of 1887.)—The attorney to the said fire department shall be authorized to sue for and collect all penalties and take charge of and conduct all legal proceedings imposed or provided for by this title (except those arising under five hundred and one); and all suits or proceedings instituted for the enforcement of any of the several provisions of the preceding sections of this title, or for the recovery of any penalty thereunder (except as above provided), shall be brought in the name of the fire department of the city of New York, by the said attorney, to whom all notices of violation shall be returned for prosecution, and it shall be his

Suits to be brought in the name of fire dep't.

duty to take charge of the prosecution of all such suits or proceedings, collect and receive all moneys that may be collected upon judgments, suits or proceedings so instituted, or which may be paid by any parties who have violated any of the provisions of this title, and upon settlement of judgment and removal of violations thereunder, execute satisfaction therefor.

Attorney to render monthly accounts.

He shall, on the first day of each and every month, render to the fire commissioners an account of and pay over to said fire commissioners all penalties, and all other money, including costs, received by him, together with his bill for all necessary disbursements incurred or paid in said suits, and said fire commissioners shall pay over monthly the amount of such penalties and costs so collected, to the comptroller of the city of New York, as a fund for the use and benefit of the said department, for the purpose of paying any expense incurred by said department under section five hundred and two of this title, and also for the purpose of carrying into effect any order or precept issued by any court, or judge or justice thereof, in this title named, to the said department or superintendent of buildings, and upon the requisition of said board said comptroller shall pay such sum or sums as may be allowed and adjusted by any court of record, or a judge or justice thereof, for such purposes, as far as the same may be in his hands.

Monthly payments to comptroller.

Duties of employes.

§ 516. (Chapter 410, Laws of 1882.)—The attorney of said fire department and the officers, clerks, and messengers of the said bureau of inspection of buildings shall perform such duties as they and each of them may be directed to do and perform by the board of fire commissioners.

Right of officers to enter buildings, in performance of their duties.

All the officers appointed under this title shall, so far as it may be necessary for the performance of their respective duties, have the right to enter any building or premises in said city.

Report to fire underwriters.

§ 517. (Chapter 410, Laws of 1882.)—It shall be the duty of the fire department to report, on the first day of each month, to the New York board of fire underwriters of said city, all unsafe or dangerous buildings, and any information that he may deem important to said board.

Building law to be construed liberally.

§ 39. (Chapter 566, Laws of 1887.)—This act is hereby declared to be a remedial statute, and is to be construed liberally to secure the beneficial interests and purposes thereof.

Not to affect past rights or liabilities.

Nothing herein contained shall be construed to affect any suit or proceeding now pending in any court, nor any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing under any act repealed thereby;

Not to repeal rights of health department in matters relating to plumbing, etc.

Nor to repeal, limit or modify the powers and duties of the health department of the city of New York in respect to plumbing, drainage, light and ventilation of buildings in said city.

[Note. Sections 41 and 42, Chapter 456, Laws of 1885, were not specifically repealed by Chapter 566, Laws of 1887, but the above § 39 pertains to the same matters and practically takes their place.]

Repealing a certain former arrest section.

§ 40. (Chapter 566, Laws of 1887.)—Section five hundred and eight [Chapter 410, Laws of 1882] of this title is hereby repealed.

Date of law going into effect.

§ 41. (Chapter 566, Laws of 1887.)—This act shall take effect twenty days after its passage.

[Passed June 15, 1887; thus going into effect July 5, 1887.]

II.

LAW LIMITING

THE

HEIGHT OF DWELLING-HOUSES

IN

NEW YORK.

INDEX.

LAW LIMITING THE HEIGHT OF DWELLING-HOUSES.

	SECTION	PAGE
Height of house regulated by width of street.....	1	83
Not to apply where contracts were signed, or plans were filed previous to this act.....	2	83
Point where to compute height.....	2	83
REMARKS on the law limiting the height of dwelling-houses		84

LAW LIMITING THE HEIGHT OF DWELLING-HOUSES.

LAWS OF NEW YORK, 1885.—CHAPTER 454.

AN ACT to regulate the height of dwelling-houses in the city of New York.

PASSED June 9, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The height of all dwelling-houses and of all houses used or intended to be used as dwellings for more than one family, and hereafter to be erected in the city of New York, shall be regulated in proportion to the width of the streets and avenues upon which they front.

Height of house regulated by width of street.

§ 2. Such height, measured from the sidewalk line and taken in all cases through the center of the facade of the house to be erected, including attics, cornices and mansards, shall not exceed seventy feet upon all streets and avenues not exceeding sixty feet in width, and eighty feet upon all streets and avenues exceeding sixty feet in width.

Point where to compute height.

Nothing in this act shall be construed as affecting buildings for which contracts have been signed prior to the passage of this act, or for which plans have been filed and approved by the building department.

Not to apply where contracts were signed or plans filed.

§ 3. This act shall take effect immediately.

[June 9, 1885.]

REMARKS ON THE FOREGOING LAW.

It will be observed in this law which attempts to limit the heights of dwellings, and which would apply to hotels, apartment houses, or other buildings which are to be used for the residence of any person or persons:

1. That it stands by itself, entirely independent of the New York City Consolidation Act, of 1882, relating to the construction of buildings, and the acts amendatory of the same.
2. That no penalty is provided for any violation of it, nor is any provision made for its enforcement; and certainly not by the fire department.
3. The "Building Law," chapter 456, of the laws of 1885, was passed subsequent to this law regulating the heights of dwellings, which is chapter 454, of the laws of the same year. The Building Law (§ 476) expressly provides for walls of dwelling-houses not only for seventy and eighty feet high, but for eighty-five to one hundred feet, and of one hundred to one hundred and fifteen feet, and of over one hundred and fifteen feet in height. It is a well established principle of law, that if the provisions of a later statute are in conflict with one passed earlier, the law first passed is repealed. It is also a well settled principle of construction that where two statutes apparently in some respects contradictory can both stand, each having some subject-matter upon which to operate, that they are both to be allowed to stand and each be given all the operation it can have consistently with the other.
4. The amendments to the "Building Law," chapter 566, Laws of 1887, again provides (§ 476) for dwelling-house walls of various heights up to and exceeding one hundred and fifteen feet, adding, however, the following:

"But nothing in this title contained shall be construed to repeal chapter four hundred and fifty-four of the laws of eighteen hundred and eighty-five, entitled "An act to regulate the height of dwelling-houses in the city of New York," nor as authorizing the erection of any dwelling-house, or of any house used or intended to be used as a dwelling for more than one family, to a height greater than is authorized by said last-mentioned act, so long as said act shall remain in full force and effect."

The statute against high buildings is, of course, limited to the only class to which it applies, namely, to residences, hotels or other buildings used as places of residence for more than one family, while business structures of all kinds are left free to be built to any desired height, provided they conform to the requirements of the Building Law.

Whether the provisions of § 476 of the "Building Laws" of both the years 1885 and 1887, which recognizes the right to erect dwellings higher than seventy and eighty feet in providing for the thickness of high dwelling-house walls; or whether the prior law of 1885 regulating the height of dwelling-houses, which declares that seventy feet on certain streets and eighty feet on all others shall be the extreme height for dwelling-houses is to be held as being consistent with the other; and in view of the want of a penalty and of provisions for enforcement in this law limiting height; and also in view of the question of the constitutionality of the latter men always having owned land "*usque ad cælum*," that is from the center of the earth to the sky, it is a grave question whether this law, Chapter 454, limiting heights, can be enforced or whether it is even now in existence, by reason of the passage of a later law, Chapter 456. But until

these serious doubts are removed, either by the courts, or by a repealing act of the Legislature, those who contemplate erecting tall apartment houses, hotels, etc., exceeding seventy or eighty feet in height, would do wisely to build to the full thicknesses of walls and other requirements of the "Building Law," so that the structure can afterwards be legally carried up to the original contemplated height.

If Chapter 456, of the Laws of 1885 (the Building Law"), did not repeal Chapter 454, also of the Laws of 1885 (the law limiting the height of dwelling-houses); and if both laws are to be held as consistent with each other, then there cannot be a hotel or residence building hereafter built within the limits of the city of New York more than seventy and eighty feet in height, however fire-proof it may be, or however thoroughly built in compliance with the Building Laws, until the law limiting the heights of such buildings is wiped from the statute books.

III.

LAWS RELATING TO THE EXTINCTION AND PREVENTION OF FIRES, AND EXPLOSIVE AND COMBUSTIBLE MATERIALS IN BUILDINGS, IN THE CITY OF NEW YORK.

INDEX.

LAWS RELATING TO THE EXTINCTION AND PREVENTION OF FIRES AND EXPLOSIVE AND COMBUSTIBLE MATERIALS IN BUILDINGS.

	SECTION	PAGE
Amusement, firemen at places of,	454	96
Arson, persons suspected of, Fire Marshal may arrest,	468	105
Ashes, deposit of,	463	102
Building, by whom to be ordered pulled down,	450	92
Buildings, fire alarms in certain	454	95
Buildings, Fire Marshal may enter.	467	104
Buildings, right to enter, in search of violations,	463	102
Buildings, when to be pulled down,	448	92
Carting petroleum, regulations for,	457	100
Certificate of approval,	462	102
Chemicals, manufacture of, under permit,	456	97
Chimney fires,	452	94
Civil actions for negligence,	453	95
Closing of hoistways, trap-doors and iron shutters,	453	94
Collection of expenses of removing combustible materials,	463	103
Combustible materials, notice to remove,	463	103
Cotton, storage of, in buildings,	462	101
Crude petroleum and coal oils,	457	98
Damages for loss of life by neglect,	453	94
Deposit of ashes,	464	102
Depots for explosives,	449	92
Expenses, collection of, for removing combustible materials,	463	103
Explosives, depots for,	449	92
Explosives, storage of,	455	96
Factories, lights in,	454	95
Fines and penalties, non-enumerated,	465	103
Fire alarms in certain buildings,	454	95
Fire marshal, may arrest persons for arson,	468	105
Fire marshal may enter buildings,	467	104
Fire marshal may make alterations if owner neglects,	467	104
Fire marshal may take testimony,	468	105
Fire marshal to inquire into cause of fires,	468	105

	SECTION	PAGE
Fire marshal to make reports,	468	105
Fire marshal to report defects,	467	104
Firemen at places of amusement,	454	96
Fire-proof buildings, storage of petroleum in,	457	100
Fire-works, keeping of, when authorized,	456	98
Fire-works, manufacture of, under permit,	456	97
Fires in chimneys or flues,	452	94
Fires in streets, kindling,	452	94
Flue fires,	452	94
Gunpowder and other explosives,	455	96
Gunpowder, etc., licenses for retailing,	455	96
Gunpowder, how labled,	455	97
Gunpowder, manufacture of, prohibited in city,	455	97
Hay, storage of, in buildings,	462	101
Hay, uncovered, keeping of,	462	102
Hoistways, closing of,	453	94
Hose bridges,	445	91
Idle and suspicious persons at fires,	451	93
Informer, part of fines may be paid to,	465	104
Iron shutters, closing of,	453	94
Information, when required, must be given,	464	103
Keeping of fire-works, when authorized,	456	98
Kerosene, petroleum, etc., how tested,	457	99
Kindling fires in streets,	452	94
Labelling gunpowder,	455	97
Licenses for retailing gunpowder, etc.	455	96
Licenses for selling kerosene, etc.	458	101
Lights in theaters, factories, stables, etc.	454	95
Lime, unslacked, in buildings,	461	101
Loss of life by neglect, damages for,	453	94
Manufacturing gunpowder prohibited in city,	455	97
Manufacture of fire-works, chemicals, etc., permit therefor,	456	97
Negligence, civil actions for,	453	95
Non-enumerated fines and penalties,	465	103
Notice to remove combustible materials,	463	103
Oils, petroleum,	457	98
Payment for buildings pulled down,	450	93
Penalties and fines, non-enumerated,	465	103
Permits for storage of petroleum, etc.	457	100
Petroleum, etc., above first floor,	457	100
Petreleum, etc., number of barrels above cellar,	457	99
Petroleum, crude, and coal oils,	457	98
Petroleum, kerosene, etc., how tested,	457	99
Petroleum on side-walk,	457	100

	SECTION	PAGE
Petroleum products, licenses for selling,	458	101
Petroleum products on vessels,	460	101
Petroleum, regulations for carting and handling,	457	100
Petroleum, warehouses for,	457	99
Places of amusement, firemen at,	454	96
Regulations for carting and handling petroleum, etc.	457	100
Regulations for vessels carrying petroleum products,	460	101
Removal of snow,	446	91
Report of fire marshal,	468	105
Right of way for fire apparatus,	444	91
Right to enter buildings in search of violations,	463	102
Sappers and miners,	447	92
Shavings, how stowed away,	452	93
Shavings, loose wooden, in buildings,	461	101
Ships carrying petroleum products, regulations for,	460	101
Shutters, iron, closing of,	453	94
Snow, removal of,	446	91
Stables, lights in,	454	95
Storage of cotton, hay, etc., in buildings,	462	101
Storage of explosives,	455	96
Storage of petroleum in fire-proof buildings,	457	100
Suspicious and idle persons at fires,	451	93
Testimony, fire marshal may take,	468	105
Theaters, lights in,	454	95
Trap-doors, closing of,	453	94
Uncovered hay, keeping of,	462	102
Violations, right to enter buildings in search of,	463	102
Warehouses for petroleum,	457	99

LAWS RELATING TO

FIRES AND THEIR EXTINCTION, PREVENTION OF FIRES, AND EXPLOSIVE AND COMBUSTIBLE MATERIALS IN BUILDINGS.

NEW YORK CITY CONSOLIDATION ACT.

CHAPTER 410, LAWS OF 1882.

Title 2.—Fires and their Extinction.

§ 444. Relates to the right of way in the streets for fire department apparatus and penalty for refusing. Right of way.

§ 445. Relates to hose-bridges over railroad tracks. Hose bridges.

§ 446. No person shall in any manner obstruct the use of any fire-hydrant in said city, or allow any snow or ice to be thrown or piled upon or around the same, or have or place, or allow to be placed, any material in front thereof, from the curb line to the centre of the street, and to within ten feet from either side thereof, and all snow and ice accumulating within such space shall be removed by the owner or owners, lessee or lessees, of the premises fronting the same in the same manner as is prescribed for the keeping clear of the sidewalk, under a penalty of ten dollars for each and every such offense; and any and all material found as an obstruction, as aforesaid, may Obstruction of fire hydrants. Removal of snow.

be forthwith removed by the officers or employees of said board, and at the risk, cost and expense of the owner or claimant, and said board may take all proper measures to keep said hydrants from freezing and in proper condition for use at all times.

Sappers and miners.

§ 447. Relates to corps of sappers and miners maintained by the fire department.

When buildings to be pulled down.

§ 448. Whenever, under and by virtue of the acts relating to the extinguishment of fires in said city, the destruction or pulling down of any building or buildings shall be deemed necessary, and shall be ordered by the officer in command at any fire in said city, it shall be the duty of said corps, or any member or members thereof, by the direction of the said officer in command at such fire, to level and destroy such building or buildings by the use of explosives, for the purpose of arresting the spread of such fire, and it shall be lawful for them to enter and take possession of the same for such purposes.

Depots for explosives.

§ 449. The board of fire commissioners shall establish, in the city of New York, one or more depots for the storage and safe-keeping of such explosives as may be required by the use of said corps, and may limit the quantity of any such explosives to be kept at any one of such depots.

Building, by whom ordered to be pulled down.

§ 450. When any building or buildings in the city of New York shall be on fire, it shall be lawful for the mayor, or in his absence the recorder of the city, with the consent and concurrence of any two of the aldermen thereof, or for any three of the aldermen, to direct and order the same, or any other building which they may deem hazardous, and likely to take fire, or to convey the fire to other buildings, to be pulled down or destroyed. Upon the application of

any person interested in such building so pulled down or destroyed, to the court of common pleas, it shall be its duty to issue a precept for a jury to inquire of and assess the damages which the owners of such building and all persons having any estate or interest therein have respectively sustained by the pulling down or destroying thereof; which precept shall be issued, directed, executed, returned, and proceeded upon, and the proceedings thereon shall take effect, as nearly as may be, in such manner as by the second and fourth titles of chapter sixteen of this act is provided in the case of land taken for public purposes; and the said inquiry and assessment having been confirmed by the said court, the sums assessed by the said jury shall be paid by the said mayor, aldermen, and commonalty to the respective persons in whose favor the jury shall have assessed the same, in full satisfaction of all demands of such persons respectively by reason of the pulling down or destroying such building; and the court, before whom such process shall be returnable, shall have power to compel the attendance of jurors and witnesses upon any such assessment of damages.

Payment to persons sustaining loss.

§ 451. During the actual prevalence of any fire, it shall and may be lawful for the officers of the police and fire department to remove or cause to be removed and kept away from the vicinity of such fire, all idle and suspicious persons, and all persons not fit to be employed or not actually and usefully employed, in their judgment, in aiding the extinguishment of such fire or in the preservation of property in the vicinity thereof.

Idle and suspicious persons may be removed from fire.

Title 3.—Prevention of Fires—Explosive and Combustible Materials.

§ 452. All carpenters or others in said city making or using shavings, shall, at the close of each day,

Shavings, how stowed away.

cause the same to be securely stowed in some safe place remote from danger by means of fire, under the penalty of five dollars for each omission so to do.

Kindling fire in streets.

No person shall kindle any fire nor furnish the materials, nor in any way authorize or allow any fire to be made in any street, road, alley, lane, or upon any pier, wharf, or bulk-head in said city, except under such regulation as shall be established by said board of fire commissioners, under a penalty of ten dollars for each and every such offense.

Penalty for chimney or flue fires.

If any chimney, stove-pipe, or flue within said city shall take fire, the occupant of the premises to which such chimney, stove, or flue appertains shall forfeit the sum of five dollars.

Closing of hoistways, trap doors and iron shutters.

§ 453. All hoistways, well holes, trap-doors, and iron-shutters shall be closed at the completion of the business of each day by the occupant of the building having use or control of same, and in case of a violation of this provision, such occupant having the use or control thereof shall forfeit and pay a penalty of fifty dollars for each and every neglect or omission so to do.

In case of loss of life from neglect or omission, the culpable person liable in damages.

And for any accident or injury to life and limb, resulting directly or indirectly from any neglect or omission to properly comply with any of the requirements of this section, the person or persons culpable or negligent in respect thereto shall be liable to pay to any officer, agent, or employee of said board injured, or whose life may be lost (resulting from such neglect or omission) while in the discharge or performance of any duty imposed by said board, or to the wife and children, or to the parents, or to the brothers and sisters, being the surviving heirs at law of any deceased person thus having lost his life, a sum of money in case of injury to person not less than one thousand dollars, and in case of death not less than five thousand dollars, such liability to be deter-

mined and such sums recovered in an action to be instituted by said board for and in behalf of any person injured, or the family or relatives of any person killed as aforesaid ;

Liability in civil actions for negligence, etc.

And any and all persons for any fire resulting from his or their willful or culpable negligence, or criminal intent or design, shall, in addition to the present provisions of law for the punishment of persons convicted of arson, be liable in a civil action for the payment of any and all damages to the person and property the result of such fire, and also for the payment of all costs and expenses of said board incurred in and about the use of employees, apparatus, and materials in the extinguishment of any fire resulting from such cause, the amount of such costs and expenses to be fixed by said board, and when collected shall be paid into the relief fund of said department herein created ; and shall also be liable for injury to person or loss of life of any officer, agent or employee of said board, in the same manner and like extent, and to be sued for in like manner as in the preceding part of this section provided for.

Lights in theatres, factories, stables, etc.

§ 454. All lights used in theaters and all other places of public amusement, manufactories, stables, or in show windows, shall be properly protected by globes, glass coverings, or in such other manner as said board shall prescribe, under the penalty of ten dollars for each omission to do so.

Fire-alarms to be provided in certain buildings.

The proprietors of all manufactories, hotels, tenement houses, boarding and lodging houses, warehouses, stores and offices, theaters and music halls, and the authorities having charge of the public schools and other public buildings, churches, and other places where large numbers of persons are congregated for purposes of worship, instruction or amusement, shall provide such means for communicating alarms and extinguishing fires, and communi-

cating necessary information to the police, as said board and board of police shall prescribe.

Firemen at places of amusement having scenery.

And said board of fire commissioners may detail, not to exceed two members of the fire department, at each and every place of amusement where machinery and scenery are used, while such place is open to the public, whose duty it shall be to guard against fire, and have charge and control of the means provided for its extinguishment, and shall have the control and direction of the employees of the place to which they may be detailed for the purpose of extinguishing any fire which may occur therein.

Gunpowder and other explosives.

§ 455. No person shall manufacture, have, keep, sell, or give away any gunpowder, blasting powder, gun-cotton, nitro-glycerine, dualin, or any explosive oils or compounds, within the corporate limits of the city of New York, except in the quantities limited, in the manner, and upon the conditions herein provided, and under such regulations as the board of fire commissioners shall prescribe;

Storage.

And said board shall make suitable provision for the storage and safe-keeping of gunpowder and other dangerous and explosive compounds or articles enumerated under this title, beyond the interior line of low water-mark in the city and county of New York.

Licenses for retailing gunpowder, etc.

The said board may issue licenses to persons desiring to sell gunpowder or any of the articles mentioned under this section at retail, at a particular place in said city to be named in said license (provided that the same shall not be in a building used in any part thereof as a dwelling, unless especially authorized by said license), and persons so licensed may have on their premises, if actually kept for sale, a quantity not exceeding at any one time, of nitro-glycerine, five pounds; of gun-cotton, five pounds; of gunpowder, fourteen pounds; blasting powder, twenty-five

pounds; and all of said articles shall be put up in tight metallic canisters, containing, or capable of containing, not more than one pound each; and the person so licensed shall place on some conspicuous part of the front of each of the stores or buildings in which they may be licensed to sell powder, or any of the articles named under this section, a sign, on which shall be distinctly printed, in characters legible to persons passing such stores or buildings, the words "licensed to sell gunpowder," or designating such other of the articles herein named as is there offered for sale; and every barrel, cask, canister, bottle, can, vessel, box or parcel, in which the same is sold, or into which the same is delivered on being sold, shall be distinctly labeled with a printed sign or label, printed upon or firmly affixed thereto, describing the article contained therein, with the word "danger" distinctly painted below the same.

How labeled.

No nitro-glycerine, dualin, or gunpowder shall be manufactured in said city, and no quantities of nitro-glycerine, dualin, or gunpowder greater than above provided shall be kept, carried, or conveyed within said city; except that for the purposes of distribution to or delivery from stores and buildings in said city, a quantity not more than five quarter casks may be carried at any one time, during the day-time, for the purpose of transportation from any vessel, or sending the same to said stores or buildings, or any vessel or place without said city; provided, that in the carrying or conveying the same it shall be protected by being completely and securely covered with a leather or canvas cover or case, and marked "gunpowder."

Manufacture of gunpowder etc., prohibited in city.

* * * * * * *

§ 456. No fireworks, detonating works, cartridges, powder train, percussion caps, collodion, nitrate of soda, nitrate of silver, ether, phosphorus, matches, or explosive compounds shall hereafter be manufac-

Manufacture and keeping of fire-works, chemicals, etc., permit therefor.

tured, stored, or kept upon sale in the city, except at such places, in such manner, and in such quantities as shall be determined by the said board in the exercise of their discretion, under a permit by them granted therefor, and subject to be revoked at any time by said board.

Keeping of fire-works, when authorized.

Fireworks, consisting of Chinese crackers, rockets, blue-lights, candles, colored pots, lance-wheels, and other works of brilliant-colored fires, may be kept upon sale intervening the tenth day of June and the tenth day of July, in each year, by retail dealers, under such reasonable regulations as said board may prescribe, under a permit issued therefor; and no quantity of the following-named chemicals, acids, and combustible materials, greater than as hereinafter enumerated, shall be stored or kept in or upon any one building within the city, namely: sulphur, one thousand pounds; manufactured matches, five hundred pounds; saltpetre, nitrate of soda, five hundred pounds in the whole; nitrate of silver, collodion, ether, phosphorus, fifty pounds in the whole; cartridges, percussion caps, powder train, one hundred pounds in the whole; aqua fortis, muriatic acid, nitric acid, and sulphuric acid, not exceeding one thousand pounds in the whole; tar, pitch, rosin, turpentine, one hundred barrels in the whole, except the same shall be stored and kept in such building and manner as said commissioners may require, under a special permit by them issued therefor.

Crude petroleum and coal oils.

§ 457. No person shall have, keep upon sale, or store in any place or building within the corporate limits of the city, any crude petroleum, coal, or any similar oil, nor any of their products, either of which shall emit an inflammable vapor at a temperature below one hundred degrees of Fahrenheit, except under the following provisions: or any of their products may be stored in detached and properly ventilated ware-

houses, the outer walls of which shall be stone, brick, or iron, especially adapted for the purpose, by having raised sills, at least two feet high, or the ground floor of which shall be at least two feet below the level of street or adjoining yard, or so constructed as to actually prevent the overflow of such substances beyond the premises where the same may be kept or stored; which said warehouses shall not be occupied in any part as a dwelling; and if less than fifty feet from any adjacent dwelling the same must be separated by a brick or stone wall at least ten feet in height and sixteen inches thick, constructed in such manner as said commissioners may prescribe, but the same may be stored in such other manner as said commissioners may designate under a special permit issued therefor.

Warehouses for petroleum, etc.

No refined petroleum, kerosene, coal or similar oil, or earth or rock oil, or machinery oil, or any product thereof to be used for illuminating or heating purposes which shall emit an inflammable vapor at a temperature below one hundred degrees Fahrenheit, shall be kept upon sale or stored within the corporate limits of the city. All said articles shall be tested and their quality determined by sanitary surveyors authorized by said commissioners, using G. Tagliabue's instruments, or such other instruments as may be designated by said commissioners, the barrels or packages containing the same to be legibly stamped or marked with said inspector's official stamp or mark.

Petroleum, Kerosene, etc.

How tested.

No refined petroleum, kerosene, gasoline, naphtha, or benzine, benzole, camphene, or burning fluid, or products or compounds containing any of said substances, when temporarily placed above the cellar or basement of any building, and in barrels of not over forty-five gallons each, or in metallic vessels or tanks, shall exceed in the whole quantity the contents of fifty of said barrels; provided, however, that the whole quantity of said refined oils that may be so

Number of barrels of, above cellar.

476246

kept or stored over night shall not exceed the contents of ten of said barrels, unless stored in the manner provided for storing crude petroleum; and when stored in cellars or basements, surrounded by walls of brick or stone, and at least two feet below the level or grade of the sidewalk, street, or land adjacent, the whole quantity shall not exceed the contents of one hundred and fifty barrels, unless stored in warehouses specially adapted for that purpose, as required for the storage of crude petroleum under this section; provided, also, that no quantity of said oils greater than one barrel shall be stored or kept in any building occupied in any part thereof as a dwelling.

Petroleum, etc., above first floor, limited.

No refined petroleum, kerosene, gasoline, naphtha, benzine, benzole, camphene, burning fluid, or products or compounds containing any of said substances, shall be kept or stored on or above the first story or floor of any building, exceeding in the whole quantity the contents of five barrels, of forty gallons each.

Petroleum, etc., on sidewalk.

In no case shall any of the articles named in this section be allowed to remain on the sidewalk beyond the front line of any building, or in or upon the streets, docks, piers, bulk-heads, slips, highways, or public places a longer time than is actually necessary for the removal or loading of the same, and said commissioners may establish and enforce general regulations and issue such orders and special directions

Regulations for carting, handling, etc.

relative to the handling, lightering, carting, loading, unloading, and transportation of the several articles named under this section, as in their discretion shall be deemed necessary for the public protection, and said commissioners may issue special permits authorizing the keeping of any of the articles enumerated

Permits for storage in fire-proof buildings.

under this section in buildings, tanks, or structures fire-proof throughout, in such quantities, in such manner, and subject to such regulations as shall tend to secure the same against danger.

§ 458. Relates to licenses to be obtained for selling kerosene or other products of petroleum. Licenses.

§ 459. Relates to liabilities for damages to persons injured by the explosion of prohibited compounds. Liability in actions for damages.

§ 460. Relates to regulations for ships or vessels carrying petroleum products. Regulations for vessels carrying petroleum.

§ 461. No quantity of the following named chemicals and combustible materials greater than is hereinafter enumerated shall be stored or kept in or upon any one building within the city, namely: Hemp or flax, unbaled, two thousand pounds in the whole; varnish, rosin, twenty barrels in the whole; alcohol, pure spirits, camphene, burning fluid, five barrels in the whole; unslacked lime, ten barrels; vitriol, five carboys in the whole; loose wood shavings, one hundred pounds; except the same shall be stored and kept in an open space of ground, surrounded by a wall constructed entirely of fire-proof materials, at least twelve feet high and twelve inches thick; or within a fire-proof building remote or distant at least fifty feet from any adjacent building. Regulations in regard to chemicals, etc. Wood shavings.

§ 462. No quantity of cotton, hay, straw, flax, hemp, husks, rushes, oakum, rags, sea-weed, jute, or other vegetable fiber when pressed or baled, greater than twenty tons in the whole, shall be stored or kept in any building within the city of New York, unless kept in a building fire-proof throughout, or upon an open space of ground surrounded by a wall constructed entirely of fire-proof materials, at least twelve feet high and twelve inches thick, or within a fire proof building remote or distant at least fifty feet from any adjacent building, or in a building approved by the New York board of underwriters or the commissioners of the fire department, and of Storage of cotton, hay, etc.

which approval a certificate shall have been issued by either of said boards, and shall not have been revoked; and none of the articles enumerated in this section, when loose or not baled, shall be kept as aforesaid in quantity exceeding one thousand pounds in the whole; excepting in a private stable, in which may be kept such loose hay and straw in quantity not exceeding twenty-five hundred pounds in the whole.

Certificate of approval.

Uncovered hay, etc., keeping of.

No person shall have, put, or keep any hay or straw uncovered any stack or pile, or in any other way exposed, within one hundred yards of any building in said city, or shall have, put, or keep within said city any hay, straw, hemp, flax, shavings, or rushes in any building not built of stone, or brick, or iron, or covered with tile or slate, or other fire-proof material, which is or shall be within ten feet of any dwelling-house or chimney whatsoever.

Right to enter buildings in search of violations.

§ 463. The commissioners and their officers or agents, under the direction of said commissioners, or either of them, are hereby empowered at any and all times to enter into and examine all buildings, dwelling-houses, livery and other stables, hay boats, or vessels, and places where any merchandise, gunpowder, hemp, flax, tow, hay, rushes, fire wood, boards, shingles, shavings, or other combustible materials may be lodged, for the purpose of ascertaining all violations of any of the provisions of this title,

Deposit of ashes.

and also the places where ashes may be deposited, and upon finding that any of them are defective or dangerous, or that a violation of this title exists therein, may deliver a written or printed notice, containing an extract from this title, of the provisions in reference thereto, and notice of any violation thereof, and notice to remove, amend, or secure the same within a period to be fixed therein.

And in case of neglect or refusal on the part of

such occupant or of the possessor of such combustible materials, or any of them, so to remove, amend, or secure the same within the time and in the manner directed by the said commissioners in such notice, the party offending shall forfeit and pay, in addition to any penalty otherwise imposed, the sum of twenty-five dollars, and the further sum of five dollars for every day's neglect to remove, amend, or secure the same after being so notified.

Notice to remove or secure combustible material.

All the expenses of any removal, alteration or amendment as aforesaid, shall be paid in the first instance by the occupant, but shall be chargeable against the owner of such dwelling-house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties.

Collection of expense of removal.

§ 464. All persons or corporations who shall be required to have and obtain permits shall furnish such information as may be required, touching the condition of any building and the business therein proposed to be conducted, preliminary to obtaining such permits.

Information when required must be given.

§ 465. Any person, persons, or corporation, for the violation of, or non-compliance with, any of the several provisions of the several sections of this title, when the penalty is not therein specially provided, shall severally forfeit and pay a fine or penalty in the sum of fifty dollars for each and every offense, or shall forfeit and pay the penalties respectively imposed under any of said sections, and shall also be severally liable for the removal, amendment, or abatement of any violation of, or non-compliance with, any requirement under said sections, and shall also be severally liable for the payment of

Non-enumerated fines and penalties.

the further penalty of the sum of fifty dollars for any violation of, or non-compliance with, any regulation, order, or special direction issued by said commissioners, as authorized under this chapter. Said commissioners may, in their discretion, pay a portion of a fine, or penalty, when collected, not to exceed one-half thereof, to an informer.

Part may be paid to informer.

* * * * * *

Fire marshal may enter buildings, etc.

§ 467. It shall be the duty of the fire marshal, or his officers and agents, when authorized by him in writing so to do, to enter into any building or premises within said city for the purpose of examining, or causing to be examined, the stoves and pipes thereto, ranges, furnaces, and heating apparatus of every kind whatsoever, including the chimneys, flues, and pipes with which the same may be connected, engine rooms, boilers, ovens, kettles, and also all chemical apparatus, or other things which in his opinion may be dangerous in causing or promoting fires, or dangerous to the firemen or occupants in case of fire; and upon finding any of them defective or dangerous, or in any manner exposed or liable to fire from any cause, he shall report the same to the board, who may thereupon issue orders or special directions, either printed or written, directing the owner or occupant to alter, remove, or remedy the same in such manner and within such reasonable time as may be necessary, and in respect thereto may authorize and direct the use of such materials and appliances as shall be demed proper and necessary; and in case of neglect or refusal so to do within the time prescribed by such orders or directions, the fire marshal, under the direction of said board, shall cause such alteration, removal, or other necessary act or work to be done, and the expense thereof shall be charged to the party so offending, to be sued for and recovered in the manner herein provided for the recovery of fines and penalties under this chapter.

Fire marshal to report defects.

Fire marshal to make alterations, if owners neglect.

§ 468. It shall be the duty of the fire marshal to examine into the cause, circumstances, and origin of fires occurring in said city, by which any building, vessels, vehicles, or any valuable personal property shall be accidentally or unlawfully burned, destroyed, lost, or damaged, wholly or partially; and to especially inquire and examine whether the fire was the result of carelessness or the act of an incendiary. The fire marshal shall take the testimony, on oath, of all persons supposed to be cognizant of any fact, or to have means of knowledge in relation to the matters herein required to be examined and inquired into, and cause the same to be reduced to writing, verified and transmitted to the board with his report in writing, embodying his opinion and conclusions in relation to the matter investigated. The fire marshal shall report in writing to the fire department, to the board of police, to the district attorney, to the New York board of fire underwriters, to the owners of property, or other persons interested in the subject-matter of investigation, any facts and circumstances which he may have ascertained by such inquiries and investigations which shall, in his opinion, require attention from or by either of said boards, officers, or persons; and it shall be the duty of the fire marshal, whenever he shall be of opinion that there is evidence sufficient to charge any person with the crime of arson, to cause such person to be arrested and charged with such offense, and furnish to the district attorney all the evidences of guilt, with the names of witnesses, and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and he shall specially report to the board, as often as such board shall require, his proceedings, and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

Fire marshal to inquire into cause of fire.

May take testimony.

To whom reports to be made.

May arrest persons in cases of suspected arson.

* * * * * * *

IV.

LAWS RELATING TO TENEMENT AND LODGING HOUSES

IN THE

CITY OF NEW YORK;

AND

REGULATIONS OF HEALTH DEPARTMENT FOR LIGHT AND VENTILATION, WITH

ILLUSTRATIONS OF TENEMENT HOUSES.

INDEX.

LAWS RELATING TO TENEMENT AND LODGING HOUSES.

	SECTION	PAGE
Address and name of owner to be filed,	657	129
Agents of premises,	577	120
Agreements, easement, for light,		142
Annual report of Board of Health,	533	114
Area and yard to be connected with sewer,	653	126
Area steps,	654	127
Back cellars in connection with front,	654	127
Badge to be worn by officers,	591	122
Boarding-house keepers, duties of,	611	122
Board of Health, annual report of,	533	114
Board of Health, duty of, in regard to privy vaults,	653	126
Board of Health, powers over drainage, etc.,	538	118
Board of Health, territorial extent of,	533	114
Board of Health to prevent spread of disease,	555	119
Board of Police to furnish officers,	296	113
Buildings, etc., excavations for,	535	115
Buildings infected or out of repair,	658	130
Buildings must be vacated, when,	658	131
Buildings, order to vacate,	658	131
Buildings when more than one family on floor,	649	123
Cellar, definition of,	666	136
Cellar floors,	663	135
Cellars, back, in connection with front,	654	127
Cellars not to be occupied as dwellings,	654	126
Cellar, yards, grounds, regulating,	561	119
Cess-pools, how built,	653	126
Cess-pools, only when unavoidable	653	125
Chimneys,	663	134
Cleanliness of premises,	539	118
Commission, tenement and lodging-house,	533	115
Corner houses,		142
Definition of cellar,	666	136
Definition of lodging-house,	666	136
Definition of tenement-house,	666	136
Drainage, approval must be obtained,	653	125
Drainage, plans for,	537	117
Drainage, powers of Board of Health over,	538	118
Duties of boarding-house keepers,	611	122
Duty of owners, etc., as to cleanliness,	539	118

	SECTION	PAGE
Easement agreements for light,		142
Excavations for buildings, sewers, etc,	535	115
Exhalations, obstructions, etc.,	653	125
Families, when more than one on a floor,	649	123
Filth on premises, penalty for,	653	125
Fire-escapes,	651	124
Floors of cellars,	663	135
Garbage, receptacles for,	656	128
Grounds, yards, cellars, regulating,	561	119
Hall windows,	650	124
Halls,	663	135
Hearing before Board of Health,	535	116
Height of rooms,	662	133
Houses, infected, communication between to be prevented,	555	119
Infected buildings,	658	130
Injunction,	661	133
Illustrations of tenement-house plans,		140–42
Inspection of tenement and lodging-houses,	658	130
Janitor for tenement-houses,	664	136
Journeymen plumbers to register,	536	117
Light and ventilation, regulations for,		137
Lodging and tenement-house commission,	533	115
Lodging-houses and tenements, inspection of,	658	130
Lodging-houses and tenements, officers to have access to,	658	130
Lodging-houses and tenements, statistics of,	585	121
Lodging-houses and tenements to be connected with sewer,	653	125
Lodging-houses and tenements to be kept clean,	657	128
Lodging-houses, definition of,	666	136
Lodging-houses, etc., to comply with additional requirements,	660	131
Lodging-houses to conform to law,	649	123
Lodging-house keeper or owner to report sick persons,	658	130
Lodging-houses, open spaces between buildings on lot,	661	132
Lodging-houses, restricted in size on lot,	661	132
Lot, occupation of by building restricted,	661	132
Mailing notices,	557	129
Markets,	538	118
Master plumbers to register,	536	117
Name and address of owner to be filed,	657	129
Notices by mail,	657	129
Notices may be served by posting,	657	129
Obstructions, exhalations, etc.,	653	125
Officers have right to examine premises,	592	121
Officers to have access to tenement and lodging-houses,	658	130

	SECTION	PAGE
Officers to wear badge,	591	122
Open spaces between buildings on same lot,	661	132
Open spaces, modifications may be allowed,	661	132
Orders may be changed or modified,	535	116
Orders, persons who may be served,	578	121
Orders, service of,	577	120
Orders; service of, when persons cannot be found,	578	121
Orders to be posted on buildings,	658	131
Over-crowding,	664	135
Owner, duty of, as to cleanliness,	539	118
Owner of lodging-house to report sick persons,	658	130
Ownership, persons claiming,	657	129
Owner to clean when required,	657	128
Owner to file name and address,	657	129
Penalty for filth on premises,	653	125
Penalty for violations,	628	123
Persons claiming ownership,	657	129
Persons on whom orders may be served,	578	121
Plans for drainage and plumbing,	537	117
Plans of approved tenement-houses,	133	141
Plumbers to register.	536	117
Plumbing, plans for,	537	117
Plumbing work, approval must be obtained,	653	125
Police officers to enforce law,	296	113
Police, sanitary company,	296	114
Posting notices,	657	129
Powers of Board of Health and over drainage, etc.,	538	118
Premises, agents and tenants of.	577	120
Premises, penalty for filth on,	653	125
Premises, right of officers to examine,	592	122
Premises to be kept clean,	539	118
Privies and sinks.	561	119
Privies and water closets,	653	124
Privy vaults, duty of Board of Health,	653	126
Proceedings in violation cases,	661	133
Publicity of records and proceedings,	585	121
Receptacles for garbage,	656	128
Receptacles for rubbish,	663	134
Records and proceedings, publicity of,	585	121
Regulating grounds, yards, cellars, etc.,	561	119
Regulations for light and ventilation,		137
Repairs of buildings, order to,	538	118
Roof in repair,	652	124
Roof ventilator,	650	124
Room windows,	662	133
Rooms, height of,	662	133
Rubbish, receptacles for,	663	134
Sanitary company of police,	296	114
Service of orders,	577	120
Service of orders when persons cannot be found,	578	121
Sewer connections for yard and area,	653	126
Sewer connections for tenement and lodging-houses,	653	125

	SECTION	PAGE
Sewer connections must be approved,	653	125
Sewer, when none,	653	126
Sewers, etc., excavations for,	535	115
Sick persons to be reported,	658	130
Sinks and privies,	561	119
Size of windows in rooms,	662	134
Sleeping places, underground rooms prohibited as,	654	128
Sleeping room windows,	662	134
Spaces between tenements, etc., and buildings on lot,	661	132
Spaces, open, modifications may be allowed,	661	132
Special ventilators in certain rooms,	662	134
Spread of disease, duty of Board to prevent,	555	119
Stairs,	652	124
Statistics of tenement and lodging-houses,	585	121
Steps to area,	654	127
Storage prohibited in tenements,	656	128
Tenants of premises,	577	120
Tenement and lodging-house commission,	533	115
Tenement and lodging-houses, inspection of,	658	130
Tenement and lodging-houses, officers to have access to,	658	130
Tenement and lodging-houses, statistics of,	585	121
Tenement and lodging-houses to be connected with sewer,	653	125
Tenement and lodging-houses to be kept clean,	657	128
Tenement building restricted in size on lot,	661	132
Tenement house, definition of,	666	136
Tenement houses not to be used for storage, etc.,	656	128
Tenement houses, plans of approved,		140–42
Tenement houses to conform to law,	649	123
Tenement houses, when to have a janitor,	664	136
Tenements, etc., to comply with additional requirements,	660	131
Territorial extent of Board of Health,	533	114
Underground rooms not to be occupied as dwellings,	654	126
Underground rooms prohibited as sleeping places,	654	128
Vacate buildings, order to,	658	131
Vacancies in sanitary police,	296	114
Vaults, privy, duty of Board of Health,	653	126
Ventilating windows into hall,	650	124
Ventilation and light, regulations for,		137
Ventilation and windows,	650	123
Ventilator in roof,	650	124
Ventilators in certain rooms,	662	134
Violation cases, proceedings in,	661	133
Violations, penalty for,	628	123
Water,	663	135
Water closets and privies.	653	124
Whitewashing,	657	129

	SECTION	PAGE
Windows and ventilation,	650	123
Windows in hall, ventilating,	650	124
Windows in rooms,	662	133
Windows in sleeping rooms,	662	134
Windows of water closets,	654	127
Yard or area to be connected with sewer,	653	126
Yards, grounds, cellars, regulating,	561	119

ILLUSTRATIONS.

Plans of tenement houses for one, two, three, four, five and six families on a floor, approved by the Board of Health in regard to light and ventilation..... 140–42

LAWS RELATING TO
TENEMENT AND LODGING HOUSES
IN THE
CITY OF NEW YORK.

NEW YORK CITY CONSOLIDATION ACT,
CHAPTER 410, LAWS OF 1882,
DEPARTMENT OF HEALTH.

TITLES 1 to 7, SECTIONS 533 to 667, all inclusive; as Amended particularly by Chapters 84, and 288, Laws of 1887.

[Such sections of the Health Laws as relate to Tenement and Lodging Houses and other matters coming under the control of the Health Department, concerning the construction, regulation and inspection of buildings, are here given in full; the remaining intervening sections, including those relating to legal matters being entirely omitted.

* * * * * *

§ 296. (As amended by Section 1, Chapter 84, Laws of 1887.)— The board of police, upon the requisition of the board of health, shall detail to the service of the said board of health, for the purpose of the enforcement of the provisions of the sanitary code, and of the acts relating to tenements and lodging houses, not exceeding forty-five suitable officers and men of experience of at least five years' service in the police force, provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all offi-

Board of health may make requisition on board of police to furnish officers to enforce law.

cers and men so detailed. At least fifteen of the officers and men so detailed shall be employed exclusively in the enforcement of the laws relating to tenement and lodging houses. These officers and men shall belong to the sanitary company of police and shall report to the president of the board of health. The board of health may report back to the board of police for punishment any member of said company guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the board of police may detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the board of police, but at any time the board of health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place. The board of police shall have the power, and it shall be their duty to fill all vacancies in the police force in the city caused by the detailing of said officers and men upon the requisition of the board of health. And the board of police are hereby authorized and empowered to appoint fifteen additional men to the police force subject to all the law, rules and regulations relating to and governing the appointment of patrolmen in said city.

Sanitary company of police.

How disciplined.

Vacancies.

* * * * * *

§ 533. (As amended by Section 2, Chapter 84, Laws of 1887.)—The authority, duty and powers of the board of health shall extend over the waters of the bay, up to and within the quarantine limits as established by law, but shall not be held to interfere with the powers and duties of the commissioners of quarantine or health officer of the port.

Powers of board, territorial extent of.

It shall be the duty of the board of health to make an annual report to the mayor of the city of New York of all the operations of the said board for the previous year. The mayor may at any time call for

Annual report.

a more full report, or for a report upon any portion of the work of said board whenever he may deem it to be for the public good so to do.

Tenement and lodging-house commission.

The mayor and one commissioner from the department of health, the commissioner of the department of public works, one delegate from the bureau of inspection of buildings, and the commissioner of the department of street cleaning, shall meet annually, between the fifteenth day of November and the thirtieth day of December, for the purpose of considering the subject of tenement and lodging houses in the city, and shall make such recommendations of improvement in the laws affecting tenement and lodging houses as they may deem to be for the good of the people of the city; they shall cause such recommendations to be sent to the Governor of the State, and to the Senate and Assembly annually on or before the fifteenth day of January; they shall also consider the subject of the execution of said laws and shall recommend to the board of health such changes in the same as they may deem to be for the good of the people of the city.

Recommendations.

* * * * * *

Excavations for buildings, sewers, etc.

§ 535. (Chapter 410, Laws of 1882.)—*First.* Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, in said city, shall, in the opinion of said board (whether as a whole or in any particular), be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance or dangerous to life or health; and said board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall

When dangerous to life and health.

Order to remove.

specify; and if any party served with such order (or intended to be according to this chapter) shall, before its execution is commenced, or within three days after such service or attempted service, apply to said board, or the president thereof, to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order or the execution thereof (save in cases of imminent danger from impending pestilence, when said board may exercise extraordinary powers, as herein elsewhere specified), and to give such party or parties together, as the case in the opinion of the board may require, a reasonable and fair opportunity to be heard before said board, and to present facts and proofs (according to the rules or directions of said board) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the board; and the board shall enter in its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify, or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine. In cases where no hearing is asked for by the party affected, the order shall not be so altered as to render its effect more burdensome than the original order. Said board may change or modify any order made under this subdivision, and may by resolution confer upon the president power to exercise in the absence of the board the authority hereinbefore given it to temporarily suspend or modify any order or its execution.

Hearing before board.

Board may change or modify order

Second. Said board may order or cause any excavation, erection, vehicle, vessel, water-craft, room, building, place, sewer, pipe, passage, premises, ground, matter, or thing (in said city or adjacent waters) regarded by said board as in a condition dangerous or

Excavations, premises, etc., when dangerous.

detrimental to life or health, to be purified, cleaned, disinfected, altered, or improved; and may also order any substance, matter, or thing, being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private) and which said board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said board, is already provided. If said order is not complied with, or as far complied with as said board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which, in case of pestilence, the board may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said board.

Order to remove.

Execution of order.

§ 536. (Chapter 410, Laws of 1882.)—On or before the first day of March, eighteen hundred and eighty-two, every master or journeyman plumber, carrying on his trade in the city of New York, was required under such rules and regulations as the board of health of the health department prescribed to register his name and address at the health department of the said city; it is not lawful for any person to carry on the trade of plumbing in the said city unless his name and address be registered as above provided. A list of the registered plumbers shall be published in the City Record at least once in each year. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

Plumbers to register.

§ 537. (Chapter 410, Laws of 1882.)—The drainage and plumbing of all buildings, both public and private, erected after the fourth day of June, eighteen hun-

Drainage and plumbing to be in accordance with

plans approved by board of health.

dred and eighty-one, shall be executed in accordance with plans previously approved in writing by the board of health. Suitable drawings and descriptions of the said plumbing and drainage shall in each case be submitted and placed on file in the health department. The said board of health is authorized to receive and place on file drawings and descriptions of the plumbing and drainage of buildings erected prior to said date.

Powers of board of health over drainage, cleanliness, ventilation, etc.

§ 538. (Chapter 410, Laws of 1882.)—The powers of said board shall be construed to include the ordering and enforcing in the same manner as other orders are provided to be enforced, the repairs of buildings, houses, and other structures; the regulation and control of all public markets (so far as relates to the cleanliness, ventilation, and drainage thereof, and to the prevention of the sale, or offering for sale, of improper articles therein); the removal of any obstruction, matter, or thing in or upon the public streets, side-walks, or places, which shall be in their opinion liable to lead to results dangerous to life or health; the prevention of accidents by which life or health may be endangered; and generally the abating of nuisances. It is hereby expressly declared that the said board shall have and possess full and complete power with reference to the ventilation, drainage, and cleanliness of the stands or stalls in or around Fulton and Washington markets, and said board shall have in said city, all common-law rights to abate any nuisance without suit which can or does in this state belong to any person whatever.

Markets.

Duty of owners, etc., as to cleanliness &c., of premises.

§ 539. (Chapter 410, Laws of 1882.)—It is hereby declared to be the duty of every owner and part owner and person interested, and of every lessee, tenant, and occupant of, or in any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle,

matter, and thing in said city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground, or street therein, and of every person, public officer, and board having charge of any ground, place, building, or erection therein, to keep, place, and preserve the same and every part, and the sewerage, drainage, and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health.

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§ 555. (Chapter 410, Laws of 1882.)—It shall be the duty of the board of health:

Duties of board of health to prevent the spread of disease in the city.

1. To cause any avenue, street, alley, or other passage whatever to be fenced up or otherwise inclosed, if they shall think the public safety requires it, and to adopt suitable measures for preventing all persons from going to any part of the city so inclosed.

Communication between infected houses or families.

2. To forbid and prevent all communication with the house or family infected with any contagious, infectious, or pestilential disease except by means of physicians, nurses, or messengers to carry the necessary advice, medicines, and provisions to the afflicted.

Communication between infected parts of city.

3. To adopt such means for preventing all communication between any part of the city infected with a disease of a pestilential, infectious, or contagious character and all other parts of the city, as shall be prompt and effectual.

* * * * * * *

Regulating grounds, yards, cellars, etc.

§ 561. (Chapter 410, Laws of 1882.)—The said board shall have full power and authority to make and pass such by-laws and ordinances as they shall, from time to time, deem necessary and proper for the filling up, draining, and regulating of any grounds,

yards, or cellars, within the said city, that may be sunken, damp, or unwholesome or which they may deem proper to fill up, drain, raise, lower, or regulate; and also, for causing all such lots of ground in the said city adjoining to Hudson's river, or to the East river or sound, as they may from time to time think proper, to be filled up with wholesome earth or other solid materials, so far into the said rivers respectively as they shall from time to time deem expedient for promoting the health of the said city; and for filling up or altering or amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and for causing subterraneous drains to be made from the same, where they may think it necessary.

Privies and sinks.

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§ 577. (Chapter 410, Laws of 1882.)—Service of any order of said board of health shall be deemed sufficient, if made upon a principal person interested in (or upon a principal officer charged with duty in respect of) the business, property, matter, or thing, or the nuisance or abuse to which said order relates; or upon a person, officer, or board, or one of the board who may be most interested in or affected by its execution. If said order relate to any building (or the drainage, sewerage, cleaning, purification, or ventilation thereof, or of any lot or ground on or in which such building stands), used for or intended to be rented as the residence or lodging-place of several persons, or as a tenement-house or lodging-house, service of such order on the agent of any person or persons for the renting of such building, lot, or ground, or for the collecting of the rent thereof (or of the parts thereof to which said order may relate), shall be of the same effect and validity as due service made upon the principal of such agent, and upon the owners, lessees, tenants, occupants and of such

Service of orders.

On agents, tenants, etc., of premises.

buildings, or parts thereof, or of the subject-matter to which such order relates.

§ 578. (Chapter 410, Laws of 1882.)—Service of any order made under the first subdivision of section five hundred and thirty-five shall, before its execution, be made on the owner, occupant, or tenant of the premises, property, or business, or some of them, who to said board may appear most directly interested in its execution, provided said parties, or any of them, are in said city and can be found, and such service can be conveniently made. The orders referred to in the second subdivision of said section shall, if the proper person or persons are known to the board, and can be conveniently found in said city, be served upon one or more of the owners, occupants, lessees, or tenants of the subject-matter to which said order relates, or upon one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of the said board. If personal service of any order cannot be made by reason of absence from the said city, or inability to find such person therein, to be shown by the official certificate of the officer having such order to serve, then service may be made through the mail, or by a copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion.

Persons on whom orders are to be served.

When personal service cannot be made.

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§ 585. (As amended by Section 3, Chapter 84, Laws of 1887.)—Said board may establish reasonable regulations as to the publicity of its records and proceedings; and may publish such information as may, in its opinion be useful, concerning births, deaths, marriages, sickness, and the general sanitary condition of said city, or any matter, place or thing therein.

Publicity of records and proceedings.

Said board shall prepare and keep the statistics of tenements and lodging-houses, and make semi-

Statistics of tenement and

lodging-houses.

annual reports upon the same to the board of health, which shall transmit such statistics to the State Board of Health.

* * * * * * *

Badge to be worn by officers of board.

§ 591. (Chapter 410, Laws of 1882.)—And said board may provide a badge of metal, with a suitable inscription thereon, and direct and require it to be worn, in a position to be designated, by any person or officer under the authority of said board, at such times and under such circumstances as the rules or by-laws of said board shall direct.

Board of health officers have right to examine premises.

§ 592. (Chapter 410, Laws of 1882.)—The members of said board, the sanitary superintendent, or any of the sanitary inspectors, and such other officer or person as may at any time be by said board authorized, may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places in said city, including vessels of all kinds in the waters, and all cellars, sewers, passages, and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings, and descriptions thereof, according to the order or regulations, of said board. Said board may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter, or thing in said city so inspected, or otherwise as aforesaid, so far as, in the opinion of said board, such publication may be useful.

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Duties of boarding-house keepers.

§ 611. (Chapter 410, Laws of 1882.)—Every person keeping a boarding or lodging-house in the city, shall, whenever required by the board of health, report in writing to the board the name of every person who shall be sick of any pestilential, contagious or infectious disease in his house within twelve hours after

each case of sickness shall have incurred. [See § 658, as amended.]

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Penalty for violating §§ 611 and 612 of this law.

§ 628. (Chapter 410, Laws of 1887.)—Every keeper of a boarding or lodging-house, and every master, owner, or consignee of a vessel who shall refuse or neglect to obey the orders and directions of the board of health, as provided in sections six hundred and eleven and six hundred and twelve, shall be considered guilty of a misdemeanor, and on conviction shall be fined for each offense in a sum not exceeding two hundred and fifty dollars, or be imprisoned for a term not exceeding six months.

* * * * * *

No building to be used as a tenement or lodging-house unless conforming to law.

§ 649. (As amended by Section 5, Chapter 84, Laws of 1887.)—No house, building or portion thereof, in the city of New York, shall be used, occupied, leased or rented for a tenement or lodging-house unless the same conforms in its construction and appurtenances to the requirements of this title.

When occupied by more than one family on a floor.

And if occupied by more than one family on a floor, and if the halls do not open directly to the external air, with suitable windows, without a room or other obstruction at the end, it shall not be used, occupied, leased or rented, unless sufficient light and ventilation is otherwise provided for in said halls.

Ventilation and windows.

§ 650. (Chapter 410, Laws of 1882.)—Every house, building, or portion thereof, in the city designed to be used, occupied, leased, or rented, or which is used, occupied, leased, or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or tran-

som window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by the inspector of buildings.

Ventilating window into hall.

Ventilator in roof at top of hall.

§ 651. (Chapter 410, Laws of 1882.)—Every such house shall be provided with a proper fire-escape, or means of escape in case of fire, to be approved by the inspector of buildings.

Fire-escapes.

§ 652. (Chapter 410, Laws of 1882.)—The roof of every such house shall be kept in good repair, and so as not to leak, and all rain water shall be so drained or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard, or area. All stairs shall be provided with proper banisters and railings, and shall be kept in good repair.

Roof in repair.

Stairs.

§ 653. (As amended by Section 6, Chapter 84, Laws of 1887.)—Every tenement and lodging-house or building shall be provided with as many good and sufficient water-closets, improved privy sinks or other similar receptacles as the board of health shall require, but in no case shall there be less than one for every fifteen occupants in lodging-houses, and not less than one for every two families in dwelling-houses. The water-closets, sinks and receptacles shall have proper doors, soil pipes and traps, all of which shall be prop-

Water-closets and privies.

erly ventilated to prevent the escape of deleterious gas and odors, soil pans, cisterns, pumps and other suitable works and fixtures, necessary to insure the efficient operation, cleansing and flushing thereof.

To be connected with sewers.

Every tenement and lodging-house situated upon a lot on a street or avenue in which there is a sewer, shall have a separate and proper connection with the sewer; and the water-closets, sinks and other receptacles shall be properly connected with the sewer by proper pipes made thoroughly air-tight.

Drainage and plumbing to be approved by board of health.

Such sewer connection and all the drainage and plumbing work, water-closets, sinks and other receptacles, in and for every tenement and lodging-house shall be of the form, construction, arrangement, location, materials, workmanship and description to be approved, or such as may be required by the board of health of the health department of the city of New York.

Obstructions, exhalations, etc.

Every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water-closets, or sinks or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous and prejudicial to life or health and so as to prevent the same from being or becoming obstructed.

Penalty for filth on premises.

Every person who shall place filth, urine or fœcal matter in any place in a tenement-house other than that provided for the same, and every person who shall keep filth, urine or fœcal matter in his apartment or upon his premises such length of time as to create a nuisance shall be guilty of a misdemeanor;

Cess-pools only when unavoidable.

No privy, vault or cess-pool shall be allowed in or under or connected with any such house except when it is unavoidable, and a permit therefor shall have been granted by the board of health, and in such case it shall be constructed in such situation and in

Cess-pools how built.

such manner as the board of health may direct. It shall in all cases be water-tight and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any closet, sink or privy.

Yard or area to be connected with sewer.

In all cases where a sewer exists in the street or avenue upon which the house or building stands, the yard or area shall be connected with the sewer, that all water from the roof or otherwise, and all liquid filth shall pass freely into the sewer.

When no sewer, water, etc., to flow into street gutter.

Where there is no sewer in the street or avenue, or adjacent thereto, to which connection can be made, the yard and area shall be so graded that all water from the roof or otherwise, and all filth shall flow freely therefrom into the street gutter, by a passage beneath the sidewalk, which passage shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Duty of board of health in regard to privy vaults.

It shall be the duty of the board of health to enforce the provisions of this section in regard to privy vaults as soon as practicable, but said board shall permit no privy vault to remain connected with a tenement-house later than January first, eighteen hundred and eighty-seven, except in the cases especially named in this section.

Cellars not to be occupied as dwelling places.

§ 654 (Chapter 410, Laws of 1882.)—It shall not be lawful, without a permit from the board of health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room built or rebuilt after July first, eighteen hundred and sixty-seven, or which shall not have been so let or occupied before said date. It shall not be lawful without such permit to let or continue to be let, or to occupy or suffer to be occupied, separately as a dwelling any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof,

nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar, or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, up to the surface of the said street or ground an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there is a clear space not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar, or room, the use of a water-closet or privy kept and provided as in this title required ; nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in the case of an inner or back vault, cellar, or room, let or occupied along with a front vault, cellar, or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this section if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar, or room is connected with the front vault, cellar, or room by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage communicating with the external air. Provided always that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the

Must be drained.

Water-closet windows, etc.

Back cellar may be occupied with front one.

Steps to area.

same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at least, and if the rise of said steps is open; and provided further that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

Steps over area.

Prohibiting underground rooms as sleeping places.

§ 655. (Chapter 410, Laws of 1882.)—No vault, cellar, or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor by the board of health.

Garbage receptacles.

§ 656. (Chapter 410, Laws of 1882.)—Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters.

Prohibiting use of tenements for storage or as stables.

No tenement or lodging-house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep, or goat be kept in said house.

To be kept clean.

§ 657. (As amended by Section 7, Chapter 84, Laws of 1887.)—Every tenement or lodging-house, and every part thereof shall be kept clean and free from any accumulations of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with it or belonging to the same.

Owner, etc., to clean whenever required by board of health.

The owner or keeper of any lodging-house, and the owner or lessee of any tenement-house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings,

privies, cess-pools and drains of the house or part of the house of which he is the owner or lessee, to the satisfaction of the board of health, so often as he shall be required by or in accordance with any regulation or ordinance of said board, and shall well and sufficiently, to the satisfaction of the said board, whitewash the walls and ceilings thereof twice at least in every year, in the months of April and October, unless the said board shall otherwise direct.

Whitewashing.

Every owner of a tenement or lodging-house, and every person having control of a tenement or lodging-house, shall file in the department of health a notice containing his name and address, and also a description of the property by street number, or otherwise, as the case may be, in such manner as will enable the board of health easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, the number of families occupying each apartment, and the trades or occupations carried on therein.

Owner, etc., to file in department of health his name and address, etc.

Every person claiming to have an interest in any tenement or lodging house may file his name and address in the department of health.

Any person claiming ownership may file his name, etc.

All notices and orders of the board of health required by law to be served in relation to a tenement or lodging-house shall be served by posting in some conspicuous place in the house, a copy of the notice or order, five days before the time for doing the thing in relation to which said notice or order was issued. The posting of a copy of an order or notice, in accordance with this section, shall be sufficient service upon the owner of the property affected.

Notices may be served by posting.

It shall be the duty of the board of health to cause a copy of every such notice or order to be mailed, on the same day that it is posted in the house, addressed to the name and address of each person who has filed with the department of health the notice provided for in this section.

Notice to be mailed.

Inspection of tenements and lodging-houses.

§ 658. (As amended by Section 8, Chapter 84, Laws of 1887.)—It shall be the duty of the board of health to cause a careful inspection to be made of every tenement and lodging-house at least twice in each year.

Re-inspection.

And whenever the board of health has made any order concerning a tenement or lodging-house, it shall cause a re-inspection to be made of the same within six days after it has been informed that the order has been obeyed.

Officers of board of health to have access to tenement and lodging-houses.

The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement-house, and every other person having the care and management thereof, shall at all times, when required by any officer of the board of health, or by any officer upon whom any duty is conferred by this title, give him free access to such house and to every part thereof.

Sick persons to be reported.

The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement-house, or part thereof, shall whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the board of health, or to some officer of the same, and thereupon said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed-clothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, or in extreme cases to be destroyed.

Buildings infected or out of repair.

§ 659. (As amended by Section 9, Chapter 84, Laws of 1887.)—Whenever it shall be certified to the board of health of the health department of the city of New York by the sanitary superintendent, that any building or

part thereof in the city of New York is infected with contagious disease, or by reason by want of repair has become dangerous to life, or is unfit for human habitation because of defects in drainage plumbing, ventilation, or the construction of the same, or because of the existence of a nuisance on the premises and which is likely to cause sickness among its occupants, the said board of health may issue an order requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein as aforesaid.

Order to vacate building.

Said board shall cause said order to be affixed conspicuously in the building or part thereof and to be personally served on the owner, lessee, agent, occupant or any person having the charge or care thereof; if the owner, lessee or agent cannot be found in the city of New York or do not reside therein or evade or resist service, then said order may be served by depositing a copy thereof in the post-office in the city of New York, properly inclosed and addressed to such owner, lessee or agent at his last known place of business or residence, and prepaying the postage thereon ;

Order to be posted and served.

Such building or part thereof shall within ten days after said order shall have been posted and mailed as aforesaid or within such shorter time not less than twenty-four hours, as in said order may be specified, be vacated.

When building must be vacated.

But said board whenever it shall become satisfied that the danger from said building or part thereof has ceased to exist, or that said building has been repaired so as to be habitable, may revoke said order.

When order may be revoked.

§ 660. (Chapter 410, Laws of 1882.)—No house erected after May fourteen, eighteen hundred and sixty-seven, shall be used as a tenement-house or lodging-house, and no house heretofore erected and not now used for such purpose shall be converted into, used,

Tenements, etc., hereafter erected or altered to comply with additional requirements.

or leased for a tenement or lodging-house, unless, in addition to the requirements hereinbefore contained, it conforms to requirements contained in the following section of this title:

Spaces between tenement or lodging-houses on lots.

§ 661. (As amended by Section 1, Chapter 288, Laws of 1887.)—It shall not be lawful hereafter to erect for, or convert to the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, or to build, or to erect any building on any lot whereon there is already a tenement or lodging-house, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings if they are one story high above the level of the ground;

When two stories.

If they are two stories high, the distance between them shall not be less than fifteen;

Three stories.

If they are three stories high, the distance between them shall not be less than twenty feet;

More than three stories.

And if they are more than three stories high, the distance between them shall not be less than twenty-five feet;

Modifications as to distances may be allowed.

But when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases by a permit from the board of health.

Prescribed open space at rear of tenement and lodging-houses.

At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be and remain a clear open space of not less than ten feet between it and the rear line of the lot, but this provision may be modified as to corner lots in special cases by a permit from the board of health.

Occupation of lot by building limited.

No one continuous building shall be built for or converted to the purposes of a tenement or lodging-house in the city of New York, upon an ordinary city lot, and no existing tenement or lodging-house shall

be enlarged or altered, or its lot be diminished so that it shall occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet; but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the board of health.

Proceedings in violation cases.

In case of any violation of the provisions of this section, or of any failure to comply with or of any violation of the terms and conditions of the plan for such tenement or lodging-house approved by the said board of health, or of the conditions of the permit granted by the board of health for such house, or for the air, light and ventilation of the same, any court of record, or any judge or justice thereof shall have power, at any time after service of notice of violation, or of non-compliance, upon the owner, builder or other person superintending the building or converting of any such house, upon proof by affidavit of any violation or non-compliance as aforesaid, or that a plan for light and ventilation of such house has not been approved by the board of health, to restrain by injunction order, in an action by the health department, of the further progress of any violation as aforesaid. No undertaking shall be required as a condition of granting an injunction, or by reason thereof.

Injunction.

§ 662. (Chapter 410, Laws of 1882.)—In every such house hereafter erected or converted every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a ventilator of perfect

Height of rooms.

Windows

construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation, by a separate air-shaft extending to the roof, or otherwise, as the board of health may prescribe. But in all houses erected or converted, after June sixteenth, eighteen hundred and seventy-nine, which shall be used, occupied, leased, or rented for a tenement or lodging-house, every room used, let, or occupied by any person or persons for sleeping shall have at least one window, with a movable sash, having an opening of not less than twelve square feet, admitting light and air directly from the public street or the yard of the said house, unless sufficient light and ventilation shall be otherwise provided, in a manner and upon a plan approved by the board of health.

Size of windows.

Certain rooms to have special ventilation.

Sleeping rooms.

§ 663. (As amended by Section 11, Chapter 84, Laws of 1887.)—Every such house erected after May fourteenth, eighteen hundred and sixty-seven, or converted, shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys for every family set of apartments.

Chimneys.

It shall have proper conveniences and receptacles for ashes and rubbish.

Receptacles for ashes.

It shall have Croton or other water furnished in

sufficient quantity at one or more places on each floor, occupied or intended to be occupied by one or more families; and all tenement-houses shall be provided with a like supply of water by the owners thereof whenever they shall be directed so to do by the board of health. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner provided that proper and suitable appliances to receive and distribute such water are placed in said house. Provided that the board of health shall see to it that all tenement-houses are so supplied before January first, eighteen hundred and eighty-nine. Water.

Every tenement-house shall have the floor of the cellar made water-tight; and the ceiling plastered, and when the house is located over filled-in ground, or over marshy ground, or ground on which water lies, the cellar floor shall be covered so as to effectually prevent evaporation or dampness. It shall be the duty of the board of health that the cellars of all tenement-houses are so made or altered as to comply with this section before January first, eighteen hundred and ninety. Cellar floors.

Every such house erected after May seventh, eighteen hundred and eighty-seven, or converted, shall have the halls on each floor open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for in said halls in a manner approved by the board of health. Halls.

§ 664. (As amended by Section 12, Chapter 84, Laws of 1887.)—Whenever it shall be certified to the board of health by the sanitary superintendent that any tenement-house or room therein is so overcrowded that there shall be afforded less than six hundred cubic feet of air to each occupant of such building or room, the Over crowding.

said board may if it deem the same to be wise or necessary, issue an order requiring the number of occupants of such building or room to be reduced, so that the inmates thereof shall not exceed one person to each six hundred cubic feet of air space in such building or room.

When tenement-house is to have a janitor.

Whenever there shall be more than eight families living in any tenement-house, in which the owner thereof does not reside, there shall be a janitor, housekeeper or some other responsible person, who shall reside in the said house, and have charge of the same, if the board of health shall so require.

§ 666. (As amended by Section 13, Chapter 84, Laws of 1887.)—

Definition of tenement-house.

A tenement-house within the meaning of this title shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, or by more than two families upon any floor, so living and cooking, but having a common right to the halls, stairways, yards, water-closets or privies or some of them.

Definition of lodging-house.

A lodging-house shall be taken to mean and include any house or building or portion thereof in which persons are harbored or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in, for any term less than a week.

Definition of cellar.

A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

* * * * * *

REGULATIONS

OF THE

HEALTH DEPARTMENT,

FOR

LIGHT AND VENTILATION OF TENEMENT-HOUSES.

Ventilation of Rooms.

Every habitable room must have at least one window opening directly upon the street or yard, or upon a court or light shaft.

Light and Air Shafts.

Every light and air shaft for habitable rooms must be at least twelve square feet in area for a three-story house, sixteen square feet in area for a four-story house, and twenty square feet in area for a five-story house; and in every case not less than two feet wide in the clear. Shafts or courts between two houses and common to both, must be of double this area, and not less than four feet wide. But in houses where there are five interior rooms in a line on a floor, the area of shafts must be 50 per cent. greater than above prescribed; and where there are six interior rooms in a line on a floor, the area of each shaft must be at least 100 per cent. greater than the minimum above prescribed.

The foregoing regulations as to areas of light courts and shafts apply only to tenement-houses

where not more than five floors are to be tenanted. In houses where a greater number of floors will be tenanted, the courts and light shafts must in each case, be of such area and construction as specially required by the Board of Health and indicated by the plans and specifications as approved by the Board of Health.

Where the sides of light or ventilation shafts are allowed by the Building Bureau of the Fire Department to be constructed of studding, they shall be extended above the roof not less than three feet, be covered with glass to admit light, and be provided with openings protected by slats so arranged as to admit air, said openings to be at least equal area to the area of the shaft.

AMENDED REGULATION

(Taking Effect April 11, 1887)

In relation to light and ventilation of new tenement-houses:

No plan for light and ventilation of a tenement-house with apartments on five or more floors, and having more than twelve rooms on a floor, to be erected on an ordinary city lot, except a corner lot, will be approved by this Board, where more than sixty-five per centum of the lot is to be covered, unless the courts to light and ventilate the interior rooms thereof, shall have an area of at least two hundred and sixty-five square feet, and where there are to be twelve rooms on a floor, the area of such courts must be not less than two hundred and fifteen square feet.

Windows.

The windows of habitable rooms which open on shafts or courts must be hung with weights so as to slide vertically, each window to be not less than twelve square feet in area.

Ventilation of Water-Closet Compartments.

Water-closets shall not be ventilated by a shaft which ventilates habitable rooms; and where they do not open otherwise to the external air, they must be ventilated by means of a separate shaft, not less than three square feet in area, to extend above the roof, and arranged for the admission of light and air at the top in like manner as the shafts for rooms.

Water-Closets, etc.

No privy vault or cesspool shall be allowed, if water-closets or a school sink can be connected with the street sewer.

At least one water-closet shall be provided for each two families.

The general privy accommodation shall not be placed in the cellar.

Yards, Areas, etc.

Yards, areas, cellars, and light courts shall be properly graded and drained and flagged or concreted.

Alterations and Additions.

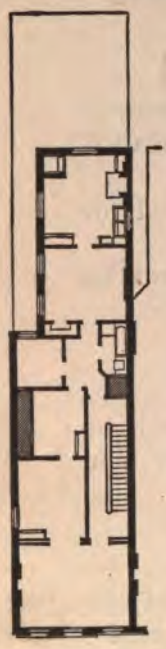
No alteration in the light and ventilation of the premises for which a permit is granted shall be made, except upon the express written approval of the Board of Health; nor shall any additional structure be erected upon the lot except upon such approval and a special permit.

ILLUSTRATIONS

OF

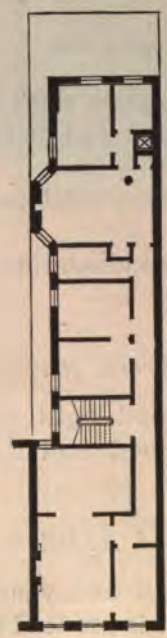
MODERN TENEMENT-HOUSES.

The following plans are given to show tenement-house constructions which fully meet the requirements of the tenement-house law and the approval of the Board of Health in regard to area of lot covered and proper light courts and shafts.



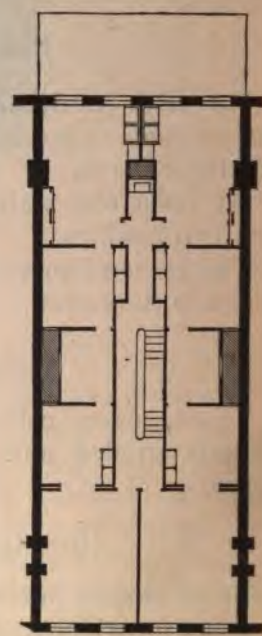
No. 1,

House 19′ x 80′,
One family on a floor.



No. 2,

House 20′ x 85′,
One family on a floor.

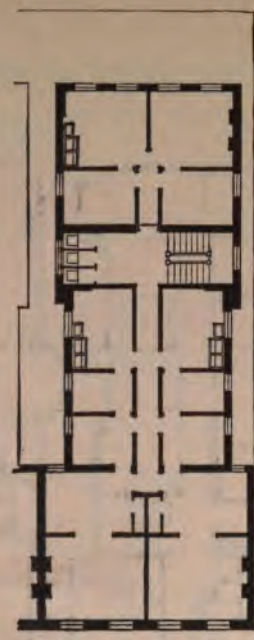


No. 3,

House 25′ x 65′,
Two families on a floor.



No. 4,
House 25′ x 83′,
Three families on a floor.



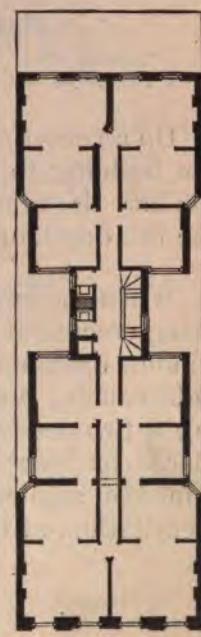
No. 5,
House 31′ x 80′,
Three families on a floor.



No. 6,
House 25′ x 89′,
Four families on a floor.



No. 7,
House 30′ x 85′,
Four families.

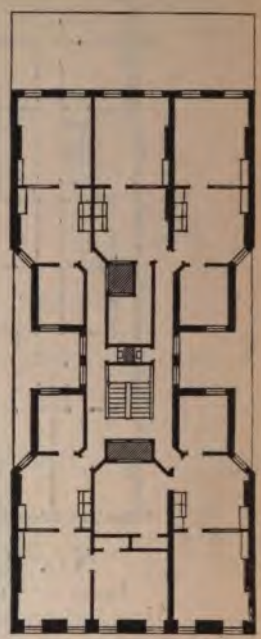


No. 8,
House 30′ x 90′,
Four families on a floor



No. 9,

1 House 19′ 6″ x 85′—2 families.
1 House 38′ 6″ x 84′—6 (or 4) families.



No. 10,

House 37′ x 87′,
Five families on a floor.

On a corner lot, the rule of the Board of Health allows the building to extend within four feet of the rear line of the lot; the first story being allowed to extend through to the full depth of the lot.

When gable walls run parallel with the yards of houses being erected at the same time, the Board of Health permits window openings in such gable walls as a substitute for light courts; provided that an easement agreement reserving a two feet strip of land for light and ventilation be placed on record. A form for such agreement can be obtained on application to the Chief Division of Plumbing and Ventilation, at the Health Department.

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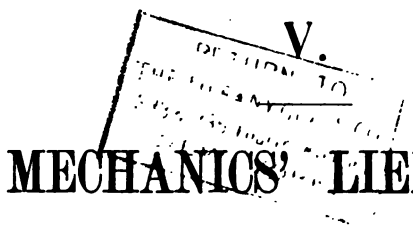
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MECHANICS' LIEN LAW

AND AMENDMENTS THERETO,

FOR THE

CITY AND STATE OF NEW YORK.

INDEX

TO MECHANICS' LIEN LAW.

	SECTION	PAGE
ACT, title of,	1	155
to be construed liberally,	25	170
ACTS repealed,	26	170
ACTION, notice to lienor to commence,	24	169
when to be commenced,	6	161
lienor to be plaintiff,	17	165
ACTIONS IN COURTS OF RECORD.		
to enforce lien may be brought,	7	161
who shall be made parties defendant,	17	165
manner and form of action,	8	162
claimants may join in same action,	18	166
to commence on notice,	24	169
may be consolidated,	18	166
notice of pendency to be filed,	6	161
notice of no personal claim,	17	165
answer of lienor,	17	166
deemed to enforce lien of lienor defendant,	6	161
court to settle and determine equities to extent of jurisdiction,	17	166
personal judgment against debtor,	15	164
judgment for deficiency,	23	168
transcripts of judgment,	16	165
costs discretionary with court,	14	164
appeal,	8	162
ACTIONS IN COURTS NOT OF RECORD.		
to enforce lien may be brought,	9	162
to commence, on notice,	24	169
how commenced,	9	162
summons, form and contents of,	9	162
summons, when returnable,	9	162
summons may be served by publication,	10	162
complaint, contents of,	9	162
answer, contents of,	11	163
answer to be verified,	11	163
parties defendant (owner or person in interest),	17	165
parties defendant, provisions not to apply,	17	166
provisions as to joining or consolidating actions, not to apply,	18	166

	SECTION	PAGE
ACTIONS IN COURTS NOT OF RECORD—*continued.*		
issue to be joined,	11	163
trial of issues,	12	163
judgment on default,	11	163
judgment for deficiency not to apply,	23	168
judgment to be a lien,	16	165
judgment, how enforced,	12	164
judgment may be recovered against debtor personally,	15	164
costs the same as in civil actions,	14	164
costs, expenses of publication allowed,	14	164
transcripts of judgments,	16	165
appeal,	13	164
execution,	11	163
execution, what it shall direct,	11	163
ANSWER, by lienors,	17	166
in courts not of record,	11	163
APPEAL, in courts of record,	8	162
in courts not of record,	13	164
BOND, in discharge of lien,	24	169
requisites of,	24	169
sureties to justify,	24	170
copy to be served with notice,	24	170
lien discharged on approval of,	24	170
CANCELLATION OF LIEN. *See* "LIEN."		
CLAIMANTS, who may be,	1	155
may demand terms of contract, &c.	3	157
may file lien on failure of owner to comply,	3	158
COLLUSIVE payments, mortgages, &c.	2	156
COMPLAINT, in courts of record,	7	161
not of record,	9	162
CONSENT of owner or contractor to debt,	1	155
CONSOLIDATION of actions,	18	166
CONSTRUCTION of act,	25	170
CONTRACTORS, who are,	20	167, 173
payment to, when lien includes claims of workmen,	20	167, 174
COPY, notice of lien to be served,	4	159
notice of lien may be read in evidence,	8	162
bond with notice to be served,	24	170
COSTS, in courts of record,	14	164
judgment to specify to whom,	14	164
in courts not of record,	14	164
in courts not of record, of publication,	14	164
COUNTY CLERK to provide and keep docket,	4	159
fee,	4	159
to discharge lien,	24	168
to discharge lien on judgment,	16	165

	SECTION	PAGE
DEFAULT, judgment by, in courts not of record,	11	163
DEFENDANTS, actions deemed to enforce lien of,	6	161
parties,	17	165
parties in courts not of record,	17	166
DEFICIENCY, judgment for,	23	168
judgment in courts not of record,	23	168
DEPOSIT, on offer and acceptance,	19	166
in lieu of money by judgment,	22	168
in discharge of liens,	24	168
DISCHARGE OF LIENS. *See* "LIENS."		
EVIDENCE, certified copy of lien,	8	162
EXECUTION in courts not of record,	11	163
what it shall direct,	11	163
FAILURE to state true name of owner,	4	159
FALSE STATEMENT by owner to claimant,	3	157
FEES, county clerk,	4	159
GENERAL ASSIGNMENT (benefit of creditors), effect of, on lien,	1, 5	156, 160
INCUMBRANCE, collusive,	2	156
ISSUE in courts not of record,	11	163
in courts not of record, how tried,	12	163
JUDGMENT may be recovered against debtor personally,	15	164
to declare priority of liens,	21	167
may direct delivery or deposit of specific property in lieu of money,	22	168
to sell premises affected in default thereof,	22	168
to provide method of paying liens,	20	167, 174
to be a lien,	16	165
for deficiency may be docketed,	23	168
for deficiency in courts not of record,	23	168
on default in courts not of record;	11	163
in courts not of record, how enforced,	12	164
in courts not of record, appeal,	13	164
discharge lien thereon,	16	165
transcripts of,	16	165
costs in courts of record,	14	164
to specify costs, to whom,	14	164
costs in courts not of record,	14	164
costs, expenses of publication,	14	164
LABORER MAY FILE LIEN,	1	155
preferred over employer	4	174
LIENS, who may file,	1	155
what to affect,	1	156
amount of,	1	155

	SECTION	PAGE
LIENS—*continued.*		
collusive,	2	156
to be in writing,	4	158
when and where to be filed,	4	158
contents of notice,	4	158
verification, how and by whom,	4	159
duration of,	6	161
may be continued,	6	161
copy to be served,	4	159
copy may be read in evidence,	8	162
payments after service of copy,	4	160
when two or more for same cause,	20	167,174
rank of,	20	167,173
how and when to enforce. *See* "ACTIONS,"		
preferred,	20	167,173
to what preferred,	5	160
when preferred to general assignment,	1, 5	156,160
judgment to declare priority,	21	167
payment on account of one not to affect others,	20	167,174
how discharged—		
1, by certificate of claimant,	24	168
2, by deposit,	24	168
3, by lapse of time and neglect to commence action,	24	169
4, by failure to comply notice to commence action,	24	169
5, by bond,	24	169
6, by judgment,	16	165
LIEN DOCKET, clerk to provide and keep,	4	159
what to contain,	4	159
new docket, when to be made,	6	161
LIENOR. *See* "ACTIONS" and "LIENS."		
to be plaintiff,	17	165
to commence action on notice,	24	169
may join in action,	18	166
action deemed to enforce lien of defendant,	6	161
payment to, on account,	20	167,174
preferred,	20	167,173
answer of, what to set forth,	17	166
LIABILITY OF OWNER on collusive payments, &c.,	2	157
of owner limited,	1	156
MATERIALS, lien may be filed for,	1	155
MORTGAGE, collusive,	2	156
for purchase-money not affected by lien,	5	160
MOTION, to consolidate actions,	18	166
to vacate and cancel lien,	24	170
NEGLECT OF OWNER to state terms, &c., of contract,	3	157
of claimant to prosecute,	6, 24	161,169

	SECTION	PAGE
NOTICE OF LIEN. *See* "LIENS."		
to commence action,	24	169
to commence action, time of,	24	169
of pendency of action,	6	161
of pendency of action, when and where to be filed,	6	161
of pendency of action, contents of,	6	161
of pendency of action, neglect to file, effect of,	6	161
of no personal claim,	17	165
OFFER AND ACCEPTANCE,	19	166
court may order deposit of,	19	166
if not accepted plaintiff liable for costs,	19	167
when to be accepted,	19	167
ORDER OF COURT to continue lien,	6	161
OWNER liable for refusing to give terms, &c., of contract,	3	157
failure to state true name of, in lien,	4	159
payments by, after service of copy of lien,	4	160
when deemed to be such,	5	160
PAYMENTS, collusive,	2	156
after service of copy of lien,	4	160
sub-contractors preferred,	20	167,173
on account not to affect other liens,	20	167,174
when two or more claims for same cause,	20	167,174
See "OFFER AND ACCEPTANCE."		
PLAINTIFFS, lienor to be,	17	165
may serve notice of no personal claim,	17	165
lienors may join in same action,	18	166
may consolidate actions,	18	166
PREFERRED LIENORS, sub-contractors,	20	167,173
liens on particular buildings,	20	167,173
as to time of filing,	20	167,173
workman or laborer over employer	20	174
PRIORITY OF LIENS,	5	160
judgment to declare,	21	167
See "PREFERRED LIENORS" AND "RANK OF LIENS."		
PUBLICATION, service of summons by, in courts not of record,	10	162
time when so served,	10	163
RANK OF LIENS. *See* "PREFERRED LIENORS."		
REFUSAL OF OWNER to state terms of contract, &c.,	3	157
REPEALING CLAUSE,	26	170
RIGHT, TITLE AND INTEREST affected by lien,	1	156
may be sold on execution,	1	156
SALE OF PROPERTY under judgment in courts of record,	8	162
instead of substitutes,	22	168
by execution in courts not of record,	11	163

	SECTION	PAGE
SERVICE, copy of lien,	4	160
how served,	4	160
notice to commence action,	24	169
complaint by publication,	10	162
STATEMENT by owner to claimant,	3	157
SUB-CONTRACTORS, preferred,	20	167,173
who are,	20	167,173
SUMMONS, in courts of record,	7	161
in courts not of record, when returnable,	9	162
in courts not of record, served by publication,	10	162
time when so served,	10	163
TIME TO FILE LIEN,	4	158
to serve owner with copy,	4	159
to commence action,	6	161
in notice to commence action,	24	169
when summon served by publication,	10	163
TRANSCRIPT OF JUDGMENT,	16	165
effect of filing and docketing,	16	165
VERIFICATION OF NOTICE OF LIEN,	4	159
workmen preferred over employer, etc.,	20	174

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MECHANICS' LIEN LAW

FOR THE

CITY AND STATE OF NEW YORK.

1885.

LAWS OF NEW YORK, 1885.—CHAPTER 342.

AN ACT for the better security of mechanics, laborers and others who perform labor or furnish material for buildings and other improvements in the several cities and counties of this State, and to repeal certain acts and parts of acts.

PASSED May 27, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons, firm or firms, corporation or association, who shall hereafter perform any labor or service, or furnish any materials which have been used or which are to be used in erecting, altering or repairing any house, wharf, pier, bulkhead, bridge, vault, building or appurtenances to any house, building or building lot, including fences, sidewalks, paving, fountains, fish ponds, fruit and ornamental trees, with the consent of the owner, as hereinafter defined, or his agent or any contractor, or sub-contractor or any other person contracting with such owner to erect, alter or improve, as aforesaid, within any of the cities and counties of this State, may upon filing the notice of lien prescribed in the fourth section of this act, have a lien for the principal and interest of the price and value of such labor

Who may file lien.

Who may contract debt.

Amount to claim.

Interests affected.

and material upon such house, wharf, piers, bulkheads, bridges, vault, building or appurtenances, and upon the lot, premises, parcel or farm of land upon which the same may stand or be intended to stand, to the extent of the right, title and interest at that time existing of such owner, whether owner in fee or of a less estate, or whether a lessee, for a term of years, or vendee in possession under a contract existing at the time of the filing of said notice of lien or of the owner of any right, title or interest in such estate, which may be sold under an execution under the general provisions of the statutes in force in this State, relating to liens of judgment and enforcement thereof, and also to the extent of the interest which the owner may have assigned by a general assignment for the benefit of creditors, within thirty days prior to the time of filing the notice of lien specified in the fourth section of this act. But in no case shall such owner be liable to pay by reason of all the liens filed pursuant to this act, a greater sum than the price stipulated and agreed to be paid in such contract, and remaining unpaid at the time of filing such lien, or in case there is no contract than the amount of the value of such labor and material then remaining unpaid except as hereinafter provided.

When assignment not to affect lien—also see sec. 5.

Liability of owner limited.

When collusive payments, mortgages, &c., to avoid provisions of this act do not affect lien.

§ 2. If the owner or such person in interest as aforesaid, of any house, wharf, pier, bulkhead, bridge, vault, building or appurtenances, for or toward the construction, altering, repairing or improvement of which, labor and service have been performed or materials have been furnished by contract, whether oral or written, shall for the purpose of avoiding the provisions of this act or in advance of the terms of any contract, pay by collusion any money or other valuable thing on such contract, or give a mortgage or make any other lien or incumbrance upon said

house, wharf, vault, building or appurtenances, lot, premises, parcel or farm of land upon which the same may stand or be intended to stand, or said improvement shall be made, and the amount still due or to become due to the contractor, sub-contractor or assignee after such payment has been made, shall be insufficient to satisfy the claims made in conformity with the provisions of this act, the owner or other person in interest as aforesaid, shall be liable to the amount that would have been unpaid to said contractor, sub-contractor or assignee, had said owner or other person in interest made no such payment or given no such mortgage, or effected no such lien or incumbrance, at the time of filing the notice of lien prescribed in the fourth section of this act, in the same manner as if no such collusive payment, mortgage, lien or incumbrance had been made, given or effected.

Claimant may demand of owner the terms of contract, payments made and due.

§ 3. Any person or persons, firm or firms, corporation or association, performing any labor, or service, or furnishing any materials for any of the purposes specified in the first section of this act, to or for any person other than the owner, may at any time demand of such owner or of his authorized agent, the terms of the contract or agreement by which said house, wharf, pier, bulkhead, bridge, vault, building or appurtenances is being erected, altered, repaired, or improvements made to any such house, building or building lot, and the amount due or unpaid the person or persons, firm, corporation or association, erecting, altering, repairing or improving the same; and if such owner or his said agent at the time of said demand shall neglect or refuse to inform the person making such demand of the terms of the contract or agreement under which the same are being erected, altered, repaired or made, and the amount due and unpaid upon such contract or agreement therefor, or

For refusal or false statement owner liable for loss.

shall intentionally and knowingly falsely state the terms of said contract or agreement, or the amount due or unpaid thereon; and if the person, persons, firm or firms, corporations or associations furnishing such materials or performing such labor or service, shall sustain loss by reason of such refusal or neglect or false statement, the said owner shall be liable to them in an action therefor and the return unsatisfied of an execution against the party to whom such materials were furnished, or for whom such labor and service were performed, in an action for the collection of the value thereof, shall be presumptive proof of such loss, and the person or persons, firm or firms, corporation or association furnishing such materials or performing such labor and service or making such improvement, shall by filing within the time and in the manner the notice of lien prescribed by this act, have a lien upon the house, wharf, vault, pier, bridge, bulkhead, building or appurtenances, and upon the lot, premises, parcel or farm of land upon which the same may stand or be intended to stand, or improvement is made, as in this act provided, for all materials furnished and labor and service performed after such neglect, refusal, or false statement.

Claimant may file lien after such refusal or statement.

When lien should be filed.

§ 4. At any time during the performance of the work, or the furnishing of the materials, or within ninety days after the completion of the contract or the final performance of the work, or the final furnishing of the material for which a lien is claimed, dating from the last item of work performed, or from the last item of material furnished, the person or persons, firm or firms, corporation or association furnishing such materials or performing such labor or service, may file a notice of lien in writing in the clerk's office in the county where the property is situated against which the lien is asserted, containing the names and residences of the claimants, the nature

Where to be filed.

Contents of notice of lien.

and amount of the labor and service performed, or the materials furnished or to be furnished, with the name of the owner, lessee, general assignee or person in possession of the premises against whose interest a lien is claimed; the name of the person or persons, firm or firms, corporation or association by whom he was employed, or to whom he furnished or is about to furnish such materials, or whether all the work for which the claim is made has been actually performed or furnished, and if not, how much of it, and also a description of the property to be charged with a lien sufficient for identification, and if in a city or village the situation of the building or buildings by street and number, if the street and number be known. But the failure to state the name of the true owner, lessee, general assignee, or person in possession shall not impair the validity of the lien. The said notice of lien must be verified by the person or one of the persons, member of a firm or firms, an officer of the corporation or association making the claim or his, its or their agent, to the effect that the statements therein contained are true to the knowledge or information and belief of the person making the same. The county clerk of each county shall provide and keep a book in his office to be called the "lien docket," which shall be suitably ruled in columns headed "claimants," "against whom claimed," "owners and parties in interest," "premises," "amount claimed;" in which he shall enter the particulars of such notice of lien together with the date, hour and minute of filing of the notice of lien, and what proceedings have been had, the names of the owners and persons in interest, and other persons against whom the claims are made shall be entered in said book in alphabetical order. A fee of twenty cents shall be paid to said clerk on filing such notice of lien. Every claimant shall within ten days after filing his notice of lien as herein

Failure to state true names of owners, &c., not to invalidate lien.

Verification.

Clerk to provide and keep lien docket.

What it shall contain.

Clerk's fee.

Owner to be served with copy of notice.

How served.

provided, serve a copy of such notice upon the owner, or other person in interest by delivering the same to him personally or by leaving a copy thereof at his last known place of residence in the city or town in which such lands or part thereof are situated, with some person of suitable age and discretion, or if such owner or person in interest has no such residence, or such person cannot be found, by affixing a copy thereof conspicuously on said premises described in said notice of lien, between the hours of nine o'clock in the morning and four o'clock in the afternoon. And after such service such owner or the person in interest shall not be protected in any payment made to such contractor or other claimant.

Payments made after service not to affect lien.

Liens preferred.

§ 5. The liens provided for in this act shall be preferred as prior liens to any conveyance, judgment or other claim which was not docketed or recorded at the time of filing the notice of lien prescribed in the fourth section of this act, and prior to advances made upon any mortgage on the premises after the filing of such notice of lien, and prior to the claim of any creditor who has not furnished materials or performed labor upon any land, or towards the erection or improvement of premises, described in said notice of lien and which have been assigned by the owner, lessee, or person in possession thereof, by a general assignment for the benefit of creditors within thirty days before the filing of the notice of lien provided for in the fourth section of this act. But nothing in this act shall affect the priority of the amount actually owing on a mortgage given for purchase money. In cases in which the owner has made an agreement to sell and convey the premises to the contractor or other person, such owner shall be deemed to be the owner within the intent and meaning of this act, until the deed has been actually delivered and re-

When liens are preferred to general assignments, also see sec. 1.

Purchase-money mortgages excepted.

Owner, when deemed to be such.

corded, conveying said premises pursuant to such agreement.

Duration of lien.

§ 6. No lien provided for in this act shall bind the property therein described, for a longer period than one year after the notice of lien has been filed, unless within that time an action is commenced to enforce the same; and if the action is in a court of record, a notice of the pendency of such action is filed with the county clerk of the county in which such notice of lien is filed, containing the names of the parties to the action, the object of the action, and a description of the premises affected thereby, and the time of filing the notice of lien. Or unless an order be made by a court of record continuing such lien and a new docket be made stating such fact. And when a claimant is made a party defendant to any action brought to enforce any other lien, such action shall be deemed an action to enforce the lien of such defendant, who is a claimant within the provisions of this act. The neglect to file the notice of pendency, provided for by this act, shall not abate any action which may be pending to enforce the lien, but such action may be prosecuted to judgment against the person or persons, firm or firms, corporation or associations liable for the debt.

Action to be commenced.

Notice of pendency to be filed.

Contents of said notice.

Court may order lien continued.

Action deemed to enforce lien of lienor defendants.

Neglect to file notice of pendency does not abate action.

Actions may be brought in courts of record.

§ 7. Any claimant who has filed the notice of lien mentioned in the fourth section of this act, may enforce his claim against the property therein mentioned, and against the person or persons, firm or firms, corporation or association, liable for the debt, by a civil action in a court of record in the city or county where the property is situated, which would have jurisdiction to render a judgment in an action founded upon a contract, for a sum equal to the amount of the lien.

Manner and form of action or appeal therefrom the same as in foreclosure of mortgages.

§ 8. The manner and form of instituting and prosecuting any such action to judgment, or an appeal from such judgment shall be the same as in actions for the foreclosure of mortgages upon real property, except as herein otherwise provided. A certified copy of the notice of lien filed, as herein provided, shall be entitled to be read in evidence, with the same force and effect as if the original were provided [produced], and such copy shall be *prima facie* evidence of the execution and filing of the original.

Certified copy of notice of lien may be read in evidence.

Actions may be brought in a court not of record having jurisdiction for amount.

§ 9. An action to foreclose a lien, provided for in this act, may be brought in a court not of record, which would have jurisdiction to render a judgment in an action upon a contract for a sum equal to the amount of the lien, and shall be commenced by the personal service anywhere within this State, of a summons and a complaint verified according to the provisions of section five hundred and twenty-six of the Code of Civil Procedure, upon the owner or other person in interest as described heretofore in this act. The complaint must set forth substantially all the facts contained in the notice of lien filed with the clerk of the county as provided in section five of this act, and the substance of the contract. The form and contents of the summons shall be the same as prescribed by the Code of Civil Procedure for the commencement of an action in a court not of record. The summons must be returnable not less than twelve nor more than twenty days after the date when it is issued.

Contents of complaint.

Form and contents of summons.

Summons, when returnable.

Summons may be served by publication.

§ 10. When the summons in an action in a court not of record cannot be served personally on the owner or party in interest, by reason of absence from the State or concealment therein, such service may be made by leaving a copy of such summons at the last place of residence of such owner or person in

interest, as aforesaid, and by publishing a copy of such summons for three weeks in succession in a newspaper published in the city or county where the property is situated. If the service of the summons is made by publication, the time when said summons is returnable shall commence to run from the day of the last publication.

Time, when so served.

§ 11. At the time and place specified in the summons for the return thereof, issue must be joined if both parties appear, by the owner or other person in interest filing with the justice an answer in writing verified as herein provided for verifying the complaint, and which may contain a general denial of each allegation of the complaint or a specific denial of one or more of the material allegations thereof; it may also set forth any legal or equitable defense or counter-claim to such complaint. If the owner or other party in interest fails to appear on the return day of the summons on proof by affidavit of the service of the summons and complaint, if personal service thereof be made, or if by publication or [on] proof of the service of summons by advertisement, judgment may be entered for the amount claimed in the complaint with the cost; execution may thereupon be issued for the collection of said judgment and costs, the same as upon judgments in actions on contract in such courts, except that the execution shall direct the officer to sell the right, title and interest of the owner or other person in interest as aforesaid in the premises, upon which the claim set forth in the complaint was a lien at the time of filing the notice of lien prescribed in the fourth section of this act.

When issue must be joined.

Answer may contain.

Judgment by default.

Execution.

What it shall direct.

§ 12. The issue joined as provided in the preceding section, must be tried the same as other issues are tried in the respective courts in which the action

How the issues must be tried.

is brought, and the judgment thereon be enforced; if for the claimant as provided in the preceding section, if for the owner or other person in interest, it must be enforced the same as in actions arising on contracts in the respective courts.

How appeals may be taken.

§ 13. Appeals may be taken from such judgments rendered in courts not of record, in the same manner and according to the same provisions provided by statute for appeals from judgments in actions in such courts arising on contract for the recovery of money only.

Costs discretionary with the court in courts of record, and the same as in civil actions in courts not of record.

Expenses of publication allowed.

Judgment to specify as to costs.

§ 14. Costs and disbursements, except in courts not of record, in which they shall be the same as allowed in civil actions in such courts, shall rest in the discretion of the court, and may be awarded to or against the plaintiff or plaintiffs, defendant or defendants, or any or either of them as may be just and equitable except as provided in section nineteen of this act, and shall be included in the judgment recovered therein. The expenses incurred in serving the summons by publication may be allowed in courts not of record, and added to the amount of costs now allowed in said courts. When an action is brought in a court of record such direction shall be made in the discretion of the court as to the payment of costs as shall be just and equitable, and the judgment entered shall specify to whom and by whom the costs are to be paid.

Personal judgment may be recovered against debtor.

§ 15. Whenever in any action brought under the provisions of this act, any claimant shall fail, for any reason, to establish a valid lien, he may nevertheless recover therein judgment against the party or parties to the action for such sum or sums as may appear to be due to him, and which he might recover in an action upon a contract against the said party or parties.

Clerk to furnish transcript of docket.

§ 16. A transcript of every judgment rendered under and according to the provisions of this act headed "lien docket" shall be furnished by the clerk of the county where rendered and docketed to the successful party, who may file the same with the clerk of any other county, and if the judgment is for twenty-five dollars or upwards, exclusive of costs, the same shall thereafter be a lien on the real property in the county where the same is filed and docketed of every person against whom the same is rendered, in like manner and to the same extent as in other actions for the recovery of money arising on contracts. When the action is tried and the judgment rendered in a court not of record, the justice of the court in which the action is tried or other person authorized to furnish transcripts of judgments therein shall furnish the successful party a transcript thereof, who may file the same with the clerk of the county with whom the notice of lien is filed. The filing of such transcript shall have the same effect as the filing of transcripts of judgments rendered in such courts not of record. In all cases where the judgment is against the claimant or claimants the county clerk shall enter the word "discharged" under the last head in his lien docket.

Judgment to be a lien on property.

Transcript of judgment in court not of record.

Effect of filing.

Clerk to enter discharge.

Lienor to be plaintiff in action.

§ 17. Any person or persons, firm or firms, corporation or association, filing a notice of lien, or the assignee of such person or persons, firm or firms, corporation or association, after the filing thereof, shall be the plaintiff in such action. The plaintiff must make the parties who have filed notices of liens against the property as well as those who have subsequent liens and claims by judgment, mortgage or conveyance, parties defendant. And as to all persons, firms, corporations or associations against whom no personal claim is made, the plaintiff may with the summons serve a notice stating briefly the object of

Parties defendant.

Notice of no personal claim.

the action, and that no personal claim is made against it or them. And all persons, firms, corporations or associations, who have filed notice of liens under this act shall by answer in such notice set forth the same, and the court in which the action is brought may settle and determine the equities of all the parties thereto, and decide as to the extent, justice and priority of the claims of all parties to the action and upon every counter-claim or set-off alleged therein, to the extent of their respective jurisdictions. The provisions in this section in regard to making parties who have filed notices of liens against the property as well as those who have subsequent liens and claims by judgment, mortgage or conveyance, parties defendants shall not apply to proceedings to enforce liens instituted in courts not of record.

Lienors to set forth lien in answer.

Court to determine equities and decide to extent of jurisdiction.

Provisions as to parties defendant not to apply to courts not of record.

§ 18. Any person, firms, corporations or associations claiming liens upon the same property may join in the same action, and when separate actions are commenced the court in which the first action was brought may, upon the application of the owner, of the property or of any part thereof, or of any party to either action, consolidate them. The provisions of this section shall not apply to actions commenced in courts not of record.

Lienors may join in action, or actions may be consolidated.

Does not apply to courts not of record.

§ 19. At any time after an action is commenced, the owner or owners of the property affected, may, in writing, offer to pay into court any amount stated in the offer, or to execute and deposit any securities or papers which he may describe, in discharge of the lien or liens. If the offer is accepted in writing within ten days thereafter, the court in which the action is pending may make an order that on executing and depositing with the clerk of the county the amount offered or the securities or papers described, the lien or liens be discharged and the moneys or securities deposited take the place of the property

Offer and acceptance.

Court may order deposit.

upon which such lien or liens was or were created, and shall be subject to the same. In case the offer shall not be accepted within ten days, and the plaintiff fails to recover any more favorable judgment against the property, he shall pay any costs in the action incurred by the owner from the time of the offer.

Offer, if not accepted, on failure to recover more, plaintiff to pay costs.

§ 20. All persons, firms, corporations or associations entitled to liens, under the provisions of this act, except those who contracted with the owner, shall be deemed sub-contractors, and the court in the judgment shall direct the amount due sub-contractors to be paid out of the proceeds of sales, before any part of such proceeds are paid to the contractor. In case of several buildings erected, altered or repaired under one contract and of conflicting liens, each lienor shall have priority upon the particular building or premises where his labor is performed or his material used. Persons standing in equal degree as co-laborers or various persons furnishing materials shall have priority according to the date of filing their liens. Where several notices of liens are filed for the same demand, as in case of a contractor including claims for workmen to whom he is indebted, and the lien by the workmen, the judgment shall provide for the proper payment, so that, under the liens filed, double payment shall not be required. And no payments voluntarily made upon any claim which has been filed as a lien shall impair the lien of any person except the lien of the person so paid to the amount of such payment. "*See page* 173 *for amendments to this section.*"

Sub-contractors preferred in payment.

Lienors on particular buildings preferred.

Priority as to date.

Judgment to provide method of payment.

Payment on account not to affect other liens.

§ 21. In every case in which different liens are asserted against property, the court in the judgment must declare the propriety of each lien, and the proceeds of the sale of the property must be applied to each lien in the order of its priority.

Judgment to declare priority.

Judgment may direct delivery or deposit of specific property in lieu of money.

Premises affected to be sold in default thereof.

§ 22. Whenever, by the terms of his contract, the owner has stipulated for the delivery of bills, notes or other obligations or securities, or of any other species of property in lieu of money, the judgment may direct that such substitute be delivered or deposited as the court may direct, and the property affected by the liens can only be directed to be sold in default of the owner to deliver said substitutes within such time as may be directed.

Judgment for deficiency may be docketed.

§ 23. Whenever, on the sale of property against which a notice of lien is filed as provided in the fourth section of this act, there is a deficiency of proceeds, judgment may be docketed for the deficiency against the persons, firms, corporations or associations named in the judgment as personally liable therefor, and therein adjudged to pay the same in like manner and with like effect as in actions for the foreclosure of mortgages. The provisions of this section shall not apply to actions commenced in courts not of record.

Not to apply to courts not of record.

§ 24. A lien may be discharged as follows:

Certificate of claimant.

1. By filing a certificate of the claimant or his successor in interest, duly acknowledged or proved, stating that the lien is satisfied and may be discharged.

Deposit.

2. By depositing with the county clerk, if before the suit, of a sum of money equal to the amount claimed, with interest to the time of such deposit.

3. After the commencement of the action, by the deposit with the clerk of the county of such sum of money as in the judgment of the court, after due notice to all claimants or parties to the action, will be sufficient to pay any judgment which may be recovered against the property. In case the deposit of money is made with the county clerk as provided in subdivisions two and three of this section, the same shall be repaid by said clerk to the party mak-

Deposit to be refunded.

ing, such deposit, or his assigns, upon the lien or liens being discharged by the claimants who have filed a notice or notices of lien or liens.

Lapse of time and neglect to commence action.

4. By the lapse of time. When one year has elapsed from the time of filing the notice of lien, and no action has been commenced either to enforce such claim or order of the court made containing said lien, as provided in section six of this act.

Notice to lienor to commence action.

Court may order discharge on neglect of lienor to comply.

5. By order of the court for neglect of the claimant to prosecute the same, as hereinafter provided. The owner of the property or of any part thereof affected by any notice of lien filed under this act, or the person or persons, firms, corporations or associations against whom the claim is made, may, at any time after the filing of the notice of lien, serve a notice in writing upon the claimant or any one of several claimants united in interest, or by leaving such notice at his last known place of residence, with some person of suitable age, with direction to deliver the same, requiring said claimant to commence an action to enforce the claim within the time to be specified in the notice, which shall not be less than thirty days from the time of such service ; or to show cause at a special term of any court of record, at which a motion might be made in an action to enforce the lien or at a county court of the county in which the property is situated, at a time to be specified in such notice, why the notice of lien filed should not be vacated and canceled of record. Thereupon, upon due proof of the service of said notice, and that no action has been commenced to enforce the claim, the court may make an order that the claim be vacated and canceled of record.

Time in notice.

Proof necessary on motion.

By bond.

6. By the owner of the premises, person or persons, firm or firms, corporations or associations against whom or which the notice of lien is filed, executing with two or more sufficient sureties, who shall be freeholders, a bond to the clerk of the county where

the premises are situated, in such sum as the court may direct, not less than the amount claimed in said notice, conditioned for the payment of any judgment which may be rendered against the property. The sureties on said bond must justify in at least double the sum named in said bond. A copy of said bond, with a notice that the sureties will justify before the court or a judge thereof, at the time and place therein named, not less than five days thereafter, must be served on the claimant or his attorney. Upon the approval of said bond by the court or a judge thereof, an order discharging such lien may be made by the court or a judge thereof.

Sureties to justify.

Copy of bond to be served with notice.

Lien discharged on approval of bond.

Act to be construed liberally.

§ 25. This act is hereby declared to be a remedial statute and is to be construed liberally to secure the beneficial interests and purposes thereof; and a substantial compliance with its several provisions shall be sufficient for the validity of the lien or liens hereinbefore provided for, and to give jurisdiction to the courts to enforce the same.

Laws repealed 1846, c. 184; 1851, c. 169; 1852, c. 384; 1854, c. 402; 1857, c. 663; 1862, c. 478; 1863, c. 500; 1864, c. 366; 1865, c. 778; 1869, c. 558; 1870, c. 194; 1873, c. 489; 1874, c. 551; 1875, c. 379; 1880, c. 143; 1880, c. 486; 1882, c. 410; §§ 1807–1823; 1883, c. 276, §§ 11–27, and all acts amending or extending provisions there-

§ 26. Chapter one hundred and eighty-four of the laws of eighteen hundred and forty-six, chapter one hundred and sixty-nine of the laws of eighteen hundred and fifty-one, chapter three hundred and eighty-four of the laws of eighteen hundred and fifty-two, chapter four hundred and two of the laws of eighteen hundred and fifty-four, chapter six hundred and sixty-three of the laws of eighteen hundred and fifty-seven, chapter four hundred and seventy-eight of the laws of eighteen hundred and sixty-two, chapter five hundred of the laws of eighteen hundred and sixty-three, chapter three hundred and sixty-six of the laws of eighteen hundred and sixty-four, chapter seven hundred and seventy-eight of the laws of eighteen hundred and sixty-five, chapter five hundred and fifty-eight of the laws of eighteen hundred and

sixty-nine, chapter one hundred and ninety-four of the laws of eighteen hundred and seventy, chapter four hundred and eighty-nine of the laws of eighteen hundred and seventy-three, chapter five hundred and fifty-one of the laws of eighteen hundred and seventy-four, chapter three hundred and seventy-nine of the laws of eighteen hundred and seventy-five, chapters one hundred and forty-three and four hundred and eighty-six of the laws of eighteen hundred and eighty, sections eighteen hundred and seven to eighteen hundred and twenty-three inclusive of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, sections eleven to twenty-seven inclusive of chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-three and all acts amendatory of the above-mentioned acts, or extending the provisions thereof, are hereby repealed. But this act shall not be so construed as to affect, enlarge, invalidate or defeat any lien or right to a lien now existing, or any proceeding to enforce such lien, now pending by virtue of any of the provisions of the acts hereby repealed, nor to revive any other or former acts or parts of acts repealed by the acts hereby repealed.

of but not to affect proceedings pending.

§ 27. This act shall take effect immediately.

LAWS OF NEW YORK, 1886.—CHAPTER 382.

AN ACT to limit the operation and effect of Chapter 342 of the Laws of 1885, entitled, "An act for the better security of mechanics, laborers and others who perform labor or furnish material for buildings and other improvements in the several cities and counties of this State, and to repeal certain acts and parts of acts."

Passed May 14, 1886.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 342 of the Laws of 1885, entitled, "An act for the better security of mechanics, laborers and others who perform labor or furnish material for buildings and other improvements in the several cities and counties of this State, and to repeal certain acts and parts of acts," shall not impair the validity of, or affect any notice of lien made and filed prior to the 27th day of June, 1885, if such notice was made and filed in accordance with any act or acts of the Legislature which were in force at the time of the passage of the act hereinbefore entitled, but such notice is and shall be held and regarded the same as if such prior act or acts were in force at the time such notice was filed, but shall be subordinate to liens notice of which were filed under said Chapter 342 of the Laws of 1885.

§ 2. This Act shall take effect immediately.

LAWS OF NEW YORK, 1887.—CHAPTER 420.

AN ACT to amend Chapter 342 of the Laws of 1885, entitled, "An act for the better security of mechanics, laborers and others who perform labor or furnish material for buildings, and other improvements in the several cities and counties of this State, and to repeal certain acts and parts of acts."

Passed May 21, 1887.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty of chapter 342 of the Laws of 1885, entitled, "An act for the better security of mechanics, laborers and others who perform labor, furnish material for buildings and other improvements in the several cities and counties of this State, and to repeal certain acts and parts of acts," is hereby amended so as to read as follows:

Sub-contractors preferred in payment.

§ 20. All persons, firms, corporations, or associations, entitled to liens, under the provisions of this act, except those who contracted with the owner, shall be deemed sub-contractors, and the court in the judgment shall direct the amount due sub-contractors and workmen to be paid out of the proceeds of sales in their order of priority as herein provided before any part of such proceeds are paid to the contractors.

Lienors on particular buildings preferred.

In case of several buildings erected, altered or repaired under one contract, and of conflicting liens, each lienor shall have priority upon the particular building or premises where his labor is performed or his material used.

Priority as to date.

Persons standing in equal degree as co-laborers or various persons furnishing materials, shall have priority according to the date of filing their liens, provided, however, that in all cases workmen or

Workmen or laborers preferred over employers, &c.

laborers working for daily or weekly wages shall have preference over employers of labor, sub-contractors or contractors, without reference to the date when such workmen or laborers shall have filed their liens.

Judgment to provide method of payment

Where several notices of liens are filed for the same demand, as in case of a contractor including claims for workmen to whom he is indebted and the liens by the workmen, the judgment shall provide for the proper payment, in order of priority as herein provided, so that under the liens filed double payment shall not be required and no payments voluntarily made upon any claim which has been filed as a lien shall impair the lien of any person except the lien of the person so paid to the amount of such payment.

Payment on account not to affect other liens.

§ 2. This act shall take effect immediately.

VI.

AN ACT

FOR THE

PROTECTION OF LIFE AND LIMB.

AN ACT

FOR THE

PROTECTION OF LIFE AND LIMB.

LAWS OF NEW YORK, 1885.—CHAPTER 314.

Passed May 22, 1885; three-fifths being present.

The Pepole of the State of New York, represented in Senate and Assembly, do enact as follows:

Employers guilty of misdemeanor for negligently furnishing insecure scaffolding, &c.

SECTION 1. A person employlng or directing another to do or perform any labor in the erection, repairing, altering or painting of any house, building or other structure within this State, who shall knowingly or negligently furnish and erect, or cause to be furnished for erection, for and in the performance of said labor, such unsuitable or improper scaffolding, hoists, stays, ladders, or other mechanical contrivances as will not give proper protection to the life and limb of any person so employed or engaged, shall be deemed guilty of a misdemeanor,

Punishment.

And on conviction shall be fined not to exceed five hundred dollars, or imprisoned in a county jail for not less than thirty days or more than six months, or by both such fine and imprisonment, in the discretion of the court.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

DIRECTORY OF ARCHITECTS

IN

NEW YORK CITY, BROOKLYN, YONKERS, NEWARK AND JERSEY CITY.

ARCHITECT'S DIRECTORY.

BUREAU OF INSPECTION OF BUILDINGS.

NOS. 157 AND 159 EAST 67TH STREET, NEAR 3RD AVENUE.

ALBERT F. D'OENCH	Superintendent	320 East 14th street
	1st Deputy Superintendent	
	2nd Deputy Superintendent	
JOHN R. SHIELDS	Chief Clerk	255 East 49th street
JOHN J. TINDALE	Plan Clerk	236 West 55th street
WILLIAM H. CLASS	Fire-escape and Violation Clerk	100 East 114th street
WILLIAM L. FINDLEY	Attorney	120 Broadway.

INSPECTORS.

Carlos C. Buck, 200 East 69th
Thomas Little, Mount Vernon
Michael McEvoy, 155 East 30th
Bernhard McGeraghty, 167th street and Boulevard
Simon Bittiner, 445 West 23rd
Albert B. Marshall, 241 East 123d
Jacob Kenny, 350 East 58th
John P. Wortz, 27 Avenue D
John O'Donnell, 216 East 76th
Daniel M. Keeley, 105 West 17th
Thomas J. Brady, 510 West 57th
William Winterbottom, 345 West 48th
Archibald Smith, 328 West 17th
William H. McCorkle, 304 Bowery
Lewis K. Osborn, Bathgate avenue and 180th
John C. Heney, 300 East 117th
Washington H. Felter, 31 Downing
Michael Reid, 323 East 37th
Ronald Ketcham, Highbridge
Richard Mathews, 320 E 24th
Denis Doris, 215 East 28th
William Seaton, 137 9th ave.
John Hayes, 307 East 32d
Michael Dunne, 731 East 177th
William J. Martin, 333 East 37th
William McDonald, 308 East 32d
Samuel H. Merritt 1036 East 138th
James F. Flannelly, 18 East 14th
John Mallon, 249 East 35th
Michael J. Carey, 303 East 79th
John O'Connor, 221 West Houston
John J. Reilly, 311 East 26th
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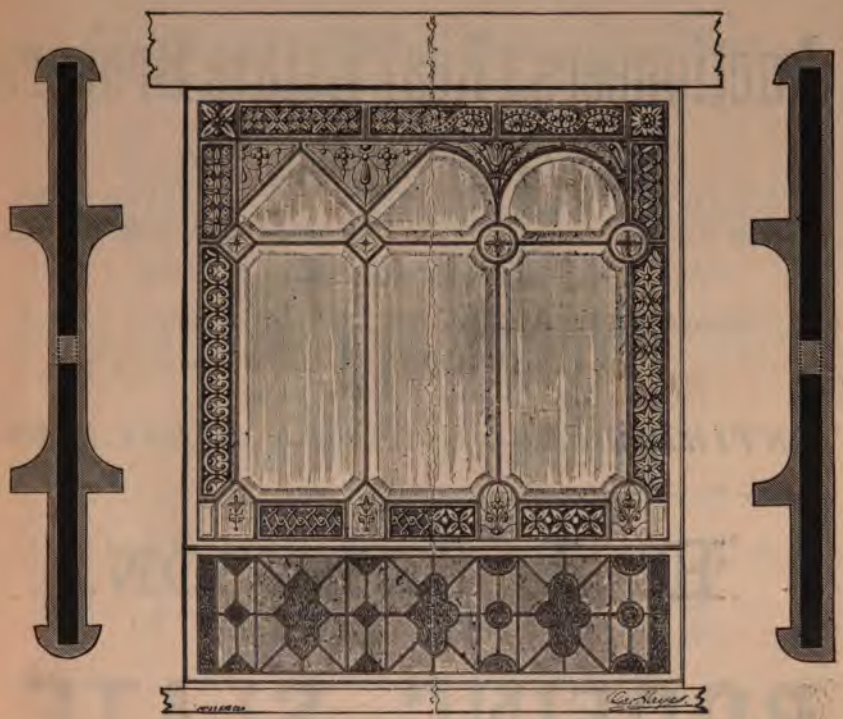
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